

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

0593-15

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

93-0621-04E

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

FILED
In the office of the Secretary of State
of the State of California

JUL 01 1993

At 3:58 o'clock P.M.
MARCH FONG FU, Secretary of State

By *Cynthia Pace*

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in the Notice Register)

1. TOPIC OF NOTICE

Jacobson v. Anderson

TITLE(S)

FIRST SECTION AFFECTED

2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE

Notice re Proposed

☐

Regulatory Action

☐

Other

4. AGENCY CONTACT PERSON

TELEPHONE NUMBER

OAL USE
ONLY

ACTION ON PROPOSED NOTICE

☐Approved as
Submitted☐Approved as
Modified☐Disapproved/
Withdrawn

NOTICE REGISTER NUMBER

PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)

mpp

ADOPT

Section 50-023 et seq.

SECTIONS
AFFECTED

AMEND

REPEAL

2. TYPE OF FILING

☐Regular Rulemaking (Gov.
Code, § 11346)☐

Resubmittal

☐Changes Without Regulatory Effect
(Cal. Code Regs., title 1, § 100)☒Emergency (Gov. Code,
§ 11346.1(b))☐

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐

Print Only

☐

Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐Effective 30th day after
filing with Secretary of State☒Effective on filing with
Secretary of State☐Effective
other (Specify)

July 1, 1993

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒

Department of Finance (Form STD. 399)

☐

Fair Political Practices Commission

☐

State Fire Marshal

☐

Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

JUN 21 1993

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any, at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-023 to read:

50-023 JACOBSON V. ANDERSON RETROACTIVE LAWSUIT

50-023

HANDBOOK BEGINS HERE

.1 Background

On May 9, 1990, the Jacobson v. Anderson lawsuit was filed with the San Luis Obispo County Superior Court. This lawsuit challenged the California Department of Social Services' (CDSS) policy of allowing county welfare departments (CWDs) to refuse to approve plaintiffs' self-initiated programs (SIPs) under the Greater Avenues for Independence (GAIN) Program as GAIN activities solely because their SIPs would require more than two years to complete. This policy was in violation of the Welfare and Institutions Code Section 11310 et seq. in effect before October 1990. In this class action, plaintiffs sought approval of their SIPs under GAIN, restoration of their full Aid to Families with Dependent Children (AFDC) grants and retroactive or prospective supportive services under GAIN for plaintiffs' approvable SIPs. Plaintiffs also sought a declaratory judgment that the CWDs' practice of disapproving otherwise valid SIPs solely because they could not be completed within two years was unlawful under former Welfare and Institutions Code Section 11320.5(b)(5). CDSS agreed that CWDs could not disapprove SIPs before October 1990 solely because the SIPs could not be completed in two years. CDSS also agreed to restore cash aid to those persons who were sanctioned because they refused to quit their SIPs to participate in GAIN, to provide retroactive or prospective supportive services to those persons who were denied such services and to allow those persons who choose to re-enroll in their approvable SIPs to do so in lieu of their other GAIN activities. On April 12, 1993, the San Luis Obispo County Superior Court signed the Settlement and Consent Decree.

HANDBOOK ENDS HERE

.2 Definitions

For the purpose of these regulations:

- a. (1) "ABCDM 228 (Rev. 10/78)" (Release of Information Form) means the document used by CWDs to obtain documentation when the class member does not have the necessary information or is unable to provide such information.
- (2) "Approvable SIP" means a self-initiated educational or vocational training program of limited duration which is expected to lead to unsubsidized employment as specified in Section 50-023.91.
- b. (1) "Claim period" means the time in which a class member may file a claim under the Jacobson v. Anderson lawsuit. The claim period shall be 90 days beginning July 1, 1993 and ending midnight September 28, 1993.

c. (1) "Class member 1" means those persons:

Whose SIPs were initially disapproved solely because their SIPs could not be completed within two years, and they refused to participate in GAIN so they could continue in their SIPs and who were sanctioned for nonparticipation in GAIN;

or

(2) "Class member 2" means those persons:

Whose SIPs were initially approved but not completed when class members reached the two-year limit, and they continued to participate in their SIPs and refused to participate in their GAIN components that would interfere with the continuation of their SIPs and were sanctioned for nonparticipation in GAIN;

or

(3) "Class member 3" means those persons:

Still on aid and whose SIPs were initially disapproved and who quit their SIPs on or after June 1, 1989 to participate in GAIN in order to avoid sanction for nonparticipation in GAIN;

or

(4) "Class member 4" means those persons:

Still on aid and whose SIPs were initially approved and:

(A) They quit their SIPs on or after June 1, 1989 because they had reached the two-year limit for GAIN SIPs; and

(B) They had not completed the SIP at the time of quitting; and

(C) They quit their SIP to participate in GAIN in order to avoid a sanction for nonparticipation in GAIN.

or

(5) "Class member 5" means those persons:

Still on aid and who were exempt from GAIN registration, volunteered to participate in GAIN and whose SIPs were initially disapproved solely because their SIPs could not be completed within two years.

(A) Persons claiming membership in this class must be able to verify their initial contact with the CWD (e.g., GAIN registration, AFDC application, request for SIP approval).

1. Verification shall include, but is not limited to, CWD phone records and logs.
 2. Self-certification of contact with CWDs shall be accepted unless the CWD has evidence to the contrary.
 3. The absence of a formal or written denial of a SIP or case log entry is not evidence of the lack of contact between the class member and the CWD.
- (B) This class excludes persons in counties which were not accepting exempt volunteers into GAIN prior to October 1, 1990.
- (C) This class also excludes exempt volunteers who have had their SIPs approved since October 1, 1990.
- d. (1) Corrective payment" means the retroactive payment of cash aid and/or supportive services inappropriately withheld from a class member.
- e. (Reserved)
- f. (1) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
- (2) "Four standard Asian languages" means Vietnamese, Laotian, Chinese and Cambodian.
- g. (1) "GEN 1172 (5/93)" (Court Case Statistical Report) means the form used by CWDs to gather data regarding the claims filed and paid under this lawsuit.
- h. - m. (Reserved)
- n. (1) "NOA" means a notice of action (NOA) that is considered to be adequate within the meaning of MPP Section 22-021.
- o. - q. (Reserved)
- r. (1) "Responsible CWD" means the county welfare department GAIN office that took an action on which a class member's claim is based.
- (2) "Retroactive period" means the period from May 9, 1987 through September 30, 1990.
- s. (Reserved)
- t. (1) "TEMP GAIN 78" (7/93) (Informing Card) means the document mailed with the Medi-Cal cards to current AFDC and Medically Needy Only (MNO) Medi-Cal recipients in responsible CWDs to inform potentially eligible persons of possible corrective payments and/or supportive services resulting from the Jacobson lawsuit.

- (2) "TEMP GAIN 79" (7/93) (Informing Poster) means the document used to notify class members and former GAIN participants of possible corrective payments and/or supportive services under the Jacobson lawsuit.
- (3) "TEMP GAIN 80" (7/93) (Informing Notice) means the document used by a CWD to inform potential class members of the Jacobson lawsuit if the CWD does not maintain separate records of persons who were sanctioned under the provisions of GAIN.
- (4) "TEMP GAIN 81" (7/93) (Claim Form) means the document used by potentially eligible persons to file a claim for corrective payments and/or supportive services resulting from the Jacobson lawsuit.

u. - z. (Reserved)

.3 Informing Class Members

HANDBOOK BEGINS HERE

.31 CDSS responsibilities. CDSS shall:

- .311 Provide an (800) telephone number on the TEMP GAIN 78, 79, 80 and 81 for potential class members to call to obtain additional information about the Jacobson v. Anderson lawsuit.
- .312 Include the TEMP GAIN 78 with the Medi-Cal cards to be issued the month of July 1993 to current AFDC and MNO Medi-Cal recipients in responsible CWDs.
 - (a) The TEMP GAIN 78 shall be printed in English on one side with bullets in the five standard languages on the other side.
 - (1) The English version shall contain a brief statement to inform potential class members of possible corrective payments and/or supportive services and/or eligibility to re-enroll in their approvable SIP as specified in the Jacobson lawsuit.
 - (2) The bullets shall state essentially: "If you enrolled in an education or training program on your own and GAIN wouldn't approve that program because it would take more than two years to finish or your program was approved but it could not be finished in two years, GAIN may owe you money. Call your GAIN worker or 1-800-952-5253 to get more facts."
- .313 Print TEMP GAIN 79 and 80 in English and Spanish with bullets in the four standard Asian languages.

- (a) The English version shall contain a brief statement informing potential class members that GAIN may owe them money and they may be eligible for supportive services from GAIN and/or be eligible to re-enroll in their approvable SIP as specified in the Jacobson lawsuit.
- (b) The bullets shall state essentially: "If you enrolled in an education or training program on your own, and GAIN wouldn't approve that program because it would take more than two years to finish or your program was approved but it could not be finished in two years, GAIN may owe you money. Call your GAIN worker or 1-800-952-5253 to get more facts."

.314 Provide CWDs a:

- (a) Reproducible copy of the TEMP GAIN 81 in English and the five standard languages.
- (b) Reproducible copy of NOAs in English and the five standard languages.
- (c) Supply of TEMP GAIN 79.

.315 Mail copies of TEMP GAIN 79 to legal aid and welfare rights organizations of plaintiffs' choice.

- (a) Plaintiffs' counsel shall provide CDSS with the mailing labels not to exceed 600.

.316 Provide public service announcements to the media two weeks before the beginning of the claim period and two weeks before the end of the claim period.

HANDBOOK ENDS HERE

.32 Responsible CWDs

Alpine, Butte, Contra Costa, El Dorado, Fresno, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Mariposa, Merced, Modoc, Mono, Monterey, Nevada, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Tulare and Tuolumne.

.33 CWD responsibilities. CWDs shall:

- .331 Mail a TEMP GAIN 80 by July 1, 1993 to all persons sanctioned during the retroactive period if the CWD does not possess separate records of class members who were sanctioned by GAIN but possess separate records of persons sanctioned by AFDC.

(a) If a CWD does not possess separate records of persons sanctioned by AFDC, CDSS shall mail a TEMP GAIN 78 to all persons currently receiving AFDC in the county as a stuffer with the Medi-Cal card.

(b) If a CWD possesses separate records of persons sanctioned by GAIN during the retroactive period, the CWD shall review case files as specified in Section 50-023.5.

.332 Place a TEMP GAIN 79 in conspicuous locations in all welfare offices and GAIN offices.

(a) The TEMP GAIN 79 shall be displayed until close of business September 28, 1993.

.333 Provide a TEMP GAIN 79 to community colleges, four year colleges and universities, both public and private, requesting that they display the TEMP GAIN 79 in conspicuous locations on each campus.

HANDBOOK BEGINS HERE

(a) It is recognized and agreed that CDSS and/or CWDs cannot require educational institutions to display the TEMP GAIN 79.

HANDBOOK ENDS HERE

.334 Reproduce an adequate supply of the TEMP GAIN 81 in English and the five standard languages.

.335 Give or mail a TEMP GAIN 81 to anyone upon request.

.4 Application for Corrective Payment

.41 Class members' responsibilities. Class members shall:

.411 Complete and sign under the penalty of perjury a TEMP GAIN 81.

.412 Provide necessary additional information, documentation or clarification upon request from a CWD.

.413 Submit a completed TEMP GAIN 81 to the responsible CWD *if possible.*

(a) Class members may also submit a TEMP GAIN 81 to each responsible CWD if there was more than one CWD in which the class member was affected by the Jacobson v. Anderson lawsuit.

(b) Class members may submit the TEMP GAIN 81 to the current county of residence but must list the responsible CWD and complete a TEMP GAIN 81 for each county.

.414 Submit the TEMP GAIN 81 on or before the end of claim period.

- (a) If mailed, postmark must be no later than September 28, 1993.
- (b) Persons shall be permitted to resubmit a previously denied claim during the claim period.

.42 CWD responsibilities. CWDs shall:

.421 Stamp the TEMP GAIN 81 with the date received and retain envelopes postmarked after September 28, 1993.

.422 If the postmark date cannot be determined, the CWD shall use the date the class member signed the TEMP GAIN 81 to determine when the claim was received.

.423 Issue a NOA M50-023D (7/93) denying the claim within 60 days of receipt if the TEMP GAIN 81 is postmarked after claim period.

.424 Maintain all documents until the end of the claim period and retain all records which contain documents relevant to the Jacobson lawsuit for three years from when the claim is processed or the date the last expenditure report for federal reimbursement or the termination of the lawsuit whichever is later.

(a) Documents included are those used to determine eligibility for the class (including denials) and those used to determine the amount of corrective payments.

(b) Documents which are relevant also include case records, payment records, assistance claims, reimbursement claims, claim verification and any other documents related to this lawsuit.

.425 Determine the responsible CWD. CWDs shall also:

(a) Process the TEMP GAIN 81 within 60 days after receiving the claim when the receiving CWD is the responsible CWD.

(b) Issue a NOA M50-023D denying the claim and forward the TEMP GAIN 81 as soon as possible, but no later than 30 days from date received, if the CWD receiving the TEMP GAIN 81 determines that it is not the responsible CWD.

(1) The receiving CWD shall inform the class member identified in the NOA M50-023D that the TEMP GAIN 81 has been forwarded to the responsible CWD for processing.

(2) The responsible CWD shall process the claim within 60 days from the date a completed TEMP GAIN 81 is received.

(c) If the responsible CWD cannot be determined, the receiving CWD shall issue a NOA M50-023D denying the claim.

.5 Case File Review.

.51 Responsible CWDs that possess separate records of GAIN-related sanctions shall review case files to identify class members "1" and "2."

.511 CWDs shall begin and complete the review of all case files within the 90-day claim period unless additional information is needed to complete the review.

.512 To the extent possible, CWDs shall complete the review and calculate the amount of corrective payment without requiring class members to come in person to the CWD.

.52 For class members "1" and "2", CWDs shall:

.521 Correct payments for cash aid for Jacobson-related sanctions.

.522 Review and correct the case file for all Jacobson-related sanctions actions after July 1, 1989 so that all Jacobson-related sanctions cannot be counted in any future sanction actions.

(a) Sanctions received from July 1, 1989 through November 28, 1989 are subject to the sanction criteria specified in Section 50-023.941.

(b) Sanctions received from November 29, 1989 through September 30, 1990 are subject to the sanction criteria specified in Section 50-023.942.

.523 Review the case file to determine if subsequent sanctions require re-evaluation without reference to discounted Jacobson-related sanctions. If the re-evaluation results in a corrective payment, the CWD shall calculate the amount of the cash aid that should have been paid.

(a) In each case when a corrective payment is due as a result of disregarding an earlier Jacobson-related sanction, the corrective payment shall be for the three-month period.

HANDBOOK BEGINS HERE

(b) Example:

A six-month sanction which becomes a three-month sanction receives a three-month corrective payment, regardless of how long the sanction period is extended beyond the three months.

HANDBOOK ENDS HERE

.524 Compare the correct grant to the amount actually paid to the assistance unit for each month when calculating the cash aid underpayment for each month in question. If as a result of a Jacobson-related sanction, the amount paid to the assistance unit in any month was less than the correct grant for that month, a corrective payment is owed.

(a) For class members who are no longer on aid, calculate the interest as specified in Section 50-023.752.

(b) GAIN and AFDC shall work together to resolve any issues in determining the corrective payment for cash aid.

.525 Calculate the corrective payment for cash aid and issue a NOA M50-023A if the information is sufficient.

(a) If the information is not sufficient, request the information needed as specified in Section 50-023.65.

(b) Class member "1" who is no longer on cash aid shall be eligible for retroactive supportive services benefits.

(1) Retroactive supportive services benefits shall be as specified in Sections 50-023.632(a) through .632(a)(4).

(c) If the information in the case file is sufficient to calculate the retroactive supportive services benefits, complete the computation and issue a NOA M50-023B (7/93) with the NOA M50-023A (7/93).

.53 If class members "1" and "2" are on cash aid:

.531 CWDs shall complete the NOA M50-023A as specified in Sections 50-023.52 through .525 and issue it with a NOA M50-023E requesting the information needed to determine retroactive or prospective supportive services. CWDs shall allow class members to re-enroll in their approvable SIPs in lieu of attending any other GAIN activities.

(a) Class members shall have 30 days from the date on the NOA or until the end of the claim period, whichever is longer, to respond to the request for information.

(b) If the additional information is not received within the time period, CWDs shall issue a NOA M50-023D.

.532 CWDs shall complete reviewing the case file within 60 days after receiving the additional information.

.533 Class member "1" chooses:

(a) Retroactive supportive services and does not want to re-enroll in his/her approvable SIP. The CWD shall complete the computation for supportive services and issue a NOA M50-023B with the NOA M50-023A.

(1) Retroactive supportive services benefits shall meet the criteria as specified in Sections 50-023.632(a) through .632(a) (4).

or

(b) Retroactive supportive services and wants to re-enroll in his/her approvable SIP. The CWD shall complete the computation for supportive services and issue a NOA M50-023C (7/93) with the NOAs M50-023A and M50-023B.

(1) The class member shall not be eligible for prospective supportive services benefits while attending his/her SIP.

or

(c) Prospective supportive services and wants to re-enroll in his/her approvable SIP. The CWD shall complete a NOA M50-023C.

(1) Prospective supportive services benefits shall meet the criteria as specified in Sections 50-023.632(b) through .632(b) (4) (A).

.534 If class member "2" chooses to re-enroll in his/her former approvable SIP, CWDs shall complete a NOA M50-023C.

(a) The class member shall not be eligible for retroactive or prospective supportive services benefits.

.535 If a prior SIP is unavailable or inaccessible for any reason that is not the fault of the class member, CWDs shall allow the class member to enroll in a similar approvable SIP.

.536 CWDs shall cancel class members' previous basic contracts under current Sections 42-772.1, .2 or .3 and enter into a new contract as specified in Section 50-023.91.

(a) Class members shall re-enroll in their SIPs within one year of when CWDs completed reviewing their case file and notified class members of their eligibility to re-enroll.

.537 The "good cause" for nonparticipation in GAIN shall be that the work activity would interrupt the approved education or job training program.

.538 CWDs shall complete the review process and issue a NOA M50-023C if the information is sufficient. CWDs shall attach appropriate NOAs and/or a contract agreement.

(a) If the information is not sufficient, CWDs shall request the information needed as specified in Section 50-023.65.

.6 Process Claim Forms. The responsible CWD shall:

.61 Review each TEMP GAIN 81 for completeness. The TEMP GAIN 81 shall be considered complete when the following questions are answered.

.611 Qualifying class member questions:

- (a) Were you in the GAIN Program?
- (b) Did GAIN deny an education or training program you enrolled in only because you couldn't finish the program in two years?
- (c) Was your education or training program approved but you did not finish it in two years?
- (d) Was your cash aid lowered because you kept going to your education or training program instead of going to GAIN?
- (e) Did you stop going to your education or training program in order to go to GAIN to keep from having your cash aid lowered?
- (f) Did you volunteer for GAIN on or before October 1990?
- (g) Are you on cash aid now?

.612 Class member's case name(s) used during retroactive period.

.613 Class member's date of birth.

.614 Class member's social security number.

.615 CWD or CWDs of residence during retroactive period.

.616 Class member's signature.

.617 The following information shall be provided on the TEMP GAIN 81 to the extent possible:

- (a) The case number.
- (b) Current address.
- (c) Phone number.
- (d) Date(s) for which the claim is being filed.
- (e) The name of the school or educational program.
- (f) The boxes checked to indicate whether retroactive or prospective supportive services are being claimed and if the class member wants to re-enroll in his/her SIP.

.62 To the extent possible, process the TEMP GAIN 81 without requiring class members to come in person to the CWD.

.63 Complete processing the claim within 60 days if the claimant meets the definition of:

.631 Class members "1" or "2".

(a) Process the TEMP GAIN 81 for class members who are not on cash aid as specified in Sections 50-023.52 through .525(a), (b) and (c).

(b) Process the TEMP GAIN 81 for class members who are on cash aid as specified in both Sections 50-023.52 through .525 (a), (b) and (c) and Sections 50-023.533 through .538.

.632 Class members "3" or "5". Choice of prospective or retroactive supportive services shall be the choice of the class member.

If class members choose:

(a) Retroactive supportive services. Retroactive benefits shall be paid from the date the SIP was denied up to two years that class members continued to participate in their approvable SIPs.

(1) CWDs shall use the criteria specified in Section 50-023.92 to determine retroactive supportive services.

(2) Documentation shall be provided by the class members to indicate that they were enrolled in or attending approvable SIPs during the time for which they are claiming retroactive supportive services expenses.

(A) CWDs shall verify the documentation whenever authenticity is in doubt.

(3) Self-certification under penalty of perjury is not acceptable documentation for proof of enrollment unless the education or training provider no longer exists and there are no other records available.

(A) If there is a record of receipt of cash aid during the time for which supportive services are being claimed but the responsible CWD is unable to locate the GAIN case file or other documents, the class member may self-certify under penalty of perjury the supportive services expenses unless the CWD has evidence to the contrary.

(4) If the information on the TEMP GAIN 81 is sufficient to complete processing a claim for retroactive supportive services, the CWD shall complete the computation and issue a NOA M50-023B.

(b) Prospective supportive services. Prospective benefits shall be for up to two years, as long as class members participate in their approvable SIPs as specified in Section 50-023.91.

Class members still on aid shall be allowed to:

(1) Re-enroll in an approvable former SIP in lieu of attending any other GAIN activity as specified in Section 50-023.91.

(A) "Good cause" for nonparticipation shall be as specified in Section 50-023.537.

(B) Prospective supportive services shall be determined in accordance with the criteria specified in Section 50-023.92.

(2) Enroll in a similar SIP as specified in Section 50-023.535.

(3) Cancel a previous basic contract and enter into a new contract as specified in Section 50-023.536.

(A) Re-enroll in a SIP as specified in Section 50-023.536(a).

(4) CWDs shall complete a review and issue a NOA M50-023C if the information is sufficient.

(A) CWDs shall use the NOA M42-750 series to inform class members of their approved supportive services. NOAs are to be issued with a NOA M50-023C. The basic contract may also be issued with the NOAs.

.633 Class members "4" still on aid shall be allowed to re-enroll in an approvable SIP in lieu of attending any other GAIN activity.

(a) If a prior SIP is unavailable, the class member shall enroll in a SIP as specified in Section 50-023.535 or

(b) Cancel the previous contract and enter into new contract as specified in Section 50-023.536.

(1) Class members "4" still on aid shall re-enroll in a SIP as specified in Section 50-023.536(a).

(c) "Good cause" for nonparticipation shall be as specified in Section 50-023.537.

(d) CWDs shall issue a NOA M50-023C if the information is sufficient in the case file and on the TEMP GAIN 81.

(1) Class members shall not be eligible for retroactive or prospective supportive services benefits.

.64 If a person is NOT a class member.

.641 Issue NOA M50-023D (7/93) denying the claim within 60 days after receiving the TEMP GAIN 81 and preprint or attach a GAIN 50 (6/92).

.65 If additional information is needed:

.651 Within 30 days:

(a) Issue NOA 50-023E (7/93) for CWDs reviewing case files.

(b) Issue NOA 50-023F (7/93) for CWDs processing TEMP GAIN 81.

.652 Class members shall have 30 days from the date on the NOA or until the end of claim period, whichever is longer, to respond to the request for additional information.

(a) If a response is not received within the time period specified in Section 50-023.652, a NOA M50-023D shall be issued.

.653 CWDs shall request documentation if the document is necessary to process and/or support the claim or review of the case file and the CWD believes the document is in the class member's possession.

(a) If a class member does not have the documentation, request that he/she sign an ABCDM 228, or the CWD equivalent form, to allow the CWD to obtain documentation on his/her behalf.

(b) If a class member is unable to provide the requested documentation, a declaration signed under penalty of perjury affirming the information shall be accepted in lieu of the documentation unless the CWD has evidence to the contrary.

(1) The CWD shall verify the documentation whenever authenticity is in doubt.

.654 CWDs shall complete processing the claim or reviewing the case file within 60 days after receiving the additional information.

(a) If the additional information does not establish the person as a class member, CWDs shall issue a NOA M50-023D denying the claim.

.66 A CWD shall process the first claim and deny any subsequent claims related to this lawsuit for that county.

.7 Computation of Corrective Payments. CWDs shall:

.71 For the purpose of determining continued eligibility and the amount of assistance for the AFDC Program, neither consider a corrective payment as income nor as a resource in the month paid nor in the following month.

.72 For the purpose of determining continued eligibility for the Food Stamp Program, exclude a retroactive corrective payment as income for all Food Stamp households and as a resource for categorically eligible Food Stamp households as long as they remain eligible for AFDC.

.73 If an assistance unit has both an underpayment and an overpayment, balance one against the other before making a corrective payment as specified in Section 42-751.4 for GAIN and Section 44-340.42 for AFDC.

.731 For class members who are no longer on aid, the CWD shall offset the corrective payment against any outstanding overpayment as specified in Section 42-751.4 and Section 44-340.42.

.74 Ensure that a corrective payment for the Jacobson lawsuit is not considered a part of the AFDC grant calculations even when reported on the monthly reporting document.

.75 Pay interest to those class members who are no longer on aid for corrective payments for cash aid and retroactive supportive services.

.751 Interest shall be computed at the rate of seven (7) percent per year on the principal amount.

.752 Multiply the total corrective payment by the appropriate interest factor provided in Handbook Section 50-023.753.

(a) To determine the appropriate interest percentage factor, CWDs shall initially determine the first month the class member was sanctioned or was denied supportive service (Retroactive Benefit Month) and the month the class member will be paid the corrective payment (Retroactive Payment Month). Where the two dates meet on the "Interest Chart for Jacobson Retroactive Benefit Payments" shall be the percentage factor to be used to determine how much interest is to be paid.

HANDBOOK BEGINS HERE

(b) EXAMPLE:

A CWD determines that a class member who is no longer on aid was sanctioned between September 1, 1987 and November 30, 1987 at \$100.00 per month because the class member would not quit her SIP to participate in GAIN. Total cash aid withheld was \$300.00.

She also requested to be paid for the supportive services that she paid while attending her training program. From October 1, 1987 through December 31, 1987, she paid \$100 per month for child care; \$200.00 per month from February 1, 1988 through April 30, 1988; and \$100.00 per month from September 1, 1988 through December 31, 1988. The total child care paid was \$1,300.00.

On July 1993, the CWD computes the back payment with interest for cash aid. At the same time, the CWD computes the corrective payment for retroactive supportive services with interest.

For Cash Aid Corrective Payments

Retroactive Benefit Month--September 1987

-- = (Interest Factor)

Retroactive Payment Month--July 1993

-- Total Cash Aid Corrective

Payment Paid July 1993 \$ 300.00

-- Interest Percentage Factor X .4083

-- Interest Paid July 1993 \$ 122.49

-- Total Cash Aid Corrective

Payment Including
Interest \$ 422.49

For Retroactive Supportive Services Corrective Payment

Retroactive Benefit Month--October 1987

-- = (Interest Factor)

Retroactive Payment Month--July 1993

-- Total Supportive Services

Corrective Payment

Paid July 1993 \$1,300.00

-- Interest Percentage Factor X .4025

-- Interest Paid July 1993 \$ 523.25

-- Total Supportive Services

Corrective Payment

Including Interest \$1,823.25

.753 Interest Chart for Jacobson Corrective Payments (Cash Aid and Supportive Services).

<u>Retro- active Benefit Month</u>	<u>Retroactive Payment Month</u>				
	<u>Jul-93</u>	<u>Aug-93</u>	<u>Sep-93</u>	<u>Oct-93</u>	<u>Nov-93</u>
<u>May-87</u>	.4317	.4375	.4433	.4492	.4550
<u>Jun-87</u>	.4258	.4317	.4375	.4433	.4492
<u>Jul-87</u>	.4200	.4258	.4317	.4375	.4433
<u>Aug-87</u>	.4142	.4200	.4258	.4317	.4375
<u>Sep-87</u>	.4083	.4142	.4200	.4258	.4317
<u>Oct-87</u>	.4025	.4083	.4142	.4200	.4258
<u>Nov-87</u>	.3967	.4025	.4083	.4142	.4200
<u>Dec-87</u>	.3908	.3967	.4025	.4083	.4142
<u>Jan-88</u>	.3850	.3908	.3967	.4025	.4083
<u>Feb-88</u>	.3792	.3850	.3908	.3967	.4025
<u>Mar-88</u>	.3733	.3792	.3850	.3908	.3967
<u>Apr-88</u>	.3675	.3733	.3792	.3850	.3908
<u>May-88</u>	.3617	.3675	.3733	.3792	.3850
<u>Jun-88</u>	.3558	.3617	.3675	.3733	.3792
<u>Jul-88</u>	.3500	.3558	.3617	.3675	.3733
<u>Aug-88</u>	.3442	.3500	.3558	.3617	.3675
<u>Sep-88</u>	.3383	.3442	.3500	.3558	.3617
<u>Oct-88</u>	.3325	.3383	.3442	.3500	.3558
<u>Nov-88</u>	.3266	.3325	.3383	.3442	.3500
<u>Dec-88</u>	.3208	.3266	.3325	.3383	.3442

<u>Jan-89</u>	<u>.3150</u>	<u>.3208</u>	<u>.3266</u>	<u>.3325</u>	<u>.3383</u>
<u>Feb-89</u>	<u>.3092</u>	<u>.3150</u>	<u>.3208</u>	<u>.3266</u>	<u>.3325</u>
<u>Mar-89</u>	<u>.3030</u>	<u>.3092</u>	<u>.3150</u>	<u>.3208</u>	<u>.3266</u>
<u>Apr-89</u>	<u>.2975</u>	<u>.3030</u>	<u>.3092</u>	<u>.3150</u>	<u>.3208</u>
<u>May-89</u>	<u>.2917</u>	<u>.2975</u>	<u>.3030</u>	<u>.3092</u>	<u>.3150</u>
<u>Jun-89</u>	<u>.2858</u>	<u>.2917</u>	<u>.2975</u>	<u>.3030</u>	<u>.3092</u>
<u>Jul-89</u>	<u>.2800</u>	<u>.2858</u>	<u>.2917</u>	<u>.2975</u>	<u>.3030</u>
<u>Aug-89</u>	<u>.2742</u>	<u>.2800</u>	<u>.2858</u>	<u>.2917</u>	<u>.2975</u>
<u>Sep-89</u>	<u>.2683</u>	<u>.2742</u>	<u>.2800</u>	<u>.2858</u>	<u>.2917</u>
<u>Oct-89</u>	<u>.2625</u>	<u>.2683</u>	<u>.2742</u>	<u>.2800</u>	<u>.2858</u>
<u>Nov-89</u>	<u>.2566</u>	<u>.2625</u>	<u>.2683</u>	<u>.2742</u>	<u>.2800</u>
<u>Dec-89</u>	<u>.2508</u>	<u>.2566</u>	<u>.2625</u>	<u>.2683</u>	<u>.2742</u>
<u>Jan-90</u>	<u>.2450</u>	<u>.2508</u>	<u>.2566</u>	<u>.2625</u>	<u>.2683</u>
<u>Feb-90</u>	<u>.2392</u>	<u>.2450</u>	<u>.2508</u>	<u>.2566</u>	<u>.2625</u>
<u>Mar-90</u>	<u>.2333</u>	<u>.2392</u>	<u>.2450</u>	<u>.2508</u>	<u>.2566</u>
<u>Apr-90</u>	<u>.2275</u>	<u>.2333</u>	<u>.2392</u>	<u>.2450</u>	<u>.2508</u>
<u>May-90</u>	<u>.2217</u>	<u>.2275</u>	<u>.2333</u>	<u>.2392</u>	<u>.2450</u>
<u>Jun-90</u>	<u>.2158</u>	<u>.2217</u>	<u>.2275</u>	<u>.2333</u>	<u>.2392</u>
<u>Jul-90</u>	<u>.2100</u>	<u>.2158</u>	<u>.2217</u>	<u>.2275</u>	<u>.2333</u>
<u>Aug-90</u>	<u>.2042</u>	<u>.2100</u>	<u>.2158</u>	<u>.2217</u>	<u>.2275</u>
<u>Sep-90</u>	<u>.1983</u>	<u>.2042</u>	<u>.2100</u>	<u>.2158</u>	<u>.2217</u>

HANDBOOK ENDS HERE

.8 Statistical Reports

.81 Preliminary Compliance Report.

.811 CWDs that possess separate records for persons sanctioned shall provide a letter to CDSS no later than August 16, 1993 reporting the total number of TEMP GAIN 80s mailed to class members "1" and "2" and the number of TEMP GAIN 81s issued upon request within the first 30 days of the claim period.

.82 Statistical Report.

.821 CWDs shall submit the GEN 1172 (Court Case Statistical Report) no later than January 31, 1994 to CDSS' Statistical Services Bureau.

.822 The report shall include:

(a) The total number of:

(1) TEMP GAIN 80s (Informing Notices) mailed to potential class members. If a CWD does not possess separate records of persons sanctioned under the provisions of GAIN, the CWD shall mail the TEMP GAIN 80 to all persons sanctioned within that CWD.

(2) Class members identified by CWDs through case file search. If a CWD does possess separate records of persons sanctioned under the provisions of GAIN, the CWD shall search its case files to identify those individuals who meet the criteria of class members "1" and "2" as specified in Section 50-023.2c.(1) and (2).

(3) TEMP GAIN 81s (Claim Forms) mailed or given out by the CWD.

(4) TEMP GAIN 81s received by the CWD.

(5) Class members approved.

(6) Claims denied.

(A) Untimely. Claim forms received after the claim period in which additional information was requested but received after the 30-day time period specified on the NOA 50-023E.

(B) Not a class member.

- (C) Claims sent to the wrong CWD and the receiving CWD was unable to determine the responsible CWD from the information available on the TEMP GAIN 81.
- (D) Claims sent to the wrong CWD and forwarded to the responsible CWD.
- (E) Incomplete. The claim was mailed in blank; the claim was received signed but illegible; no address or social security number; social security number and name in case file did not match and there was no forwarding address to obtain necessary additional information; or additional information requested but not received.
- (F) Other. CWDs shall provide documentation for any denial listed in the "other" column.
- (b) Total amount of retroactive cash paid to all class members.
- (c) Total amount of retroactive supportive services paid to all class members.
- (d) Total number of overpayments offset with retroactive cash aid in both case file search and claims processing.
 - (1) Total dollar amount of payments offset.
- (e) Total number of supportive services overpayments offset with retroactive supportive services or cash aid in both case file search and claims processing.
 - (1) Total dollar amount of overpayments offset.
- (f) Total number of class members no longer on aid in both case file search and claims processing.
 - (1) Total amount of interest paid on retroactive cash aid benefits.
 - (2) Total dollar amount of interest paid on retroactive supportive services benefits.
- (g) Total number of class members who selected prospective supportive services.
- (h) Total number of class members who elected to re-enroll in their SIP.

- .9 When calculating corrective payments for Jacobson-related sanctions, CWDs shall follow the regulations which were in effect prior to October 1, 1990 and are included as handbook below.

- .91 GAIN Basic Participant Contract Requirements as specified in Section 42-772.4 in effect 7/1/89.

HANDBOOK BEGINS HERE

42-772 GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS

Based on the information obtained according to Section 42-761, the CWD shall determine the requirements of the basic contract.

- .1 For any participant who has not been employed within two years prior to GAIN registration, and who does not meet the conditions of .3 below, the basic contract shall provide that the individual participate in Job Club (Section 42-730.21), for a three week period.
- .11 Participation in job club shall be delayed for individuals who meet the conditions in .4 or .5 below, except as specified in .43, .52, and .53 below.
- .2 For any participant who has been employed within two years prior to GAIN registration, but who does meet the conditions of .3 below, the basic contract shall provide that the individual has an option to participate for a three-week period in either job club (Section 42-730.21) or supervised job search (Section 42-730.22).
- .21 The job search period may be shortened when it is determined that all reasonable job search efforts have been exhausted.
- .211 This determination shall be subject to supervisory approval.
- .212 This determination shall include consideration of factors such as job opportunities in the labor market and the individual's recent job search efforts. The CWD shall be permitted to verify the recent job search efforts.
- .22 Participation in the chosen option shall be delayed for individuals who meet the conditions in .4 or .5 below, except as specified in .43, .52, and .53 below.
- .3 For any participant whose AFDC benefits have been discontinued two or more times within three years prior to GAIN registration due to his/her employment, the basic contract shall provide for an immediate referral to an assessment as specified in Section 42-773.
- .31 Referral to an assessment shall be delayed for individuals who meet the conditions in .4 or .5 below, except as specified in .43, .52, and .53 below.

- .4 For any participant who is enrolled and wishes to continue in a self-initiated vocational training program of limited duration or an educational program which is expected to lead to unsubsidized employment, the basic contract shall provide for continued participation in the program until completion.
- .41 Participation as a GAIN participant, however, shall be limited to a total of two academic years.
- .42 Vocational and educational programs which are expected to lead to unsubsidized employment shall be those which will provide the participation with the training or education required to obtain employment in an occupational field which is either:
- .421 One that has been identified in the county's labor market needs assessment; or
- .422 One for which the participant can demonstrate a need exists.
- .43 An individual may choose to participate concurrently according to .11, .22, or .31 above, whichever is appropriate.
- .44 The basic contract shall provide that if concurrently participation has not occurred as specified in .43 above, the participant shall participate according to .1, .2, or .3 above, whichever is applicable, when the participant completes the program or reaches the two-year limit, or when any of the following occur:
- .441 The participant stops participating in the educational or training program.
- .442 The participant fails or refuses to regularly attend the educational or training program.
- .443 The participant does not maintain satisfactory progress in the educational or training program.
- .45 If the CWD determines that the participant had good cause for failing to meet the participation, attendance, or progress standards, based on the criteria specified in Section 42-782, and the school allows the participant to continue in the program, participation according to .44 above shall not be required.
- .46 The participant shall provide documentation from the training or educational provider to the county at least quarterly or at midpoint if the program is for less than three months to verify satisfactory participation, attendance, and progress in the program.
- .461 The county shall verify the documentation whenever authenticity is in doubt.

.462 The county shall rely on the training or educational provider's normal standard of attendance or performance to determine if the participant meets the criteria of satisfactory participation, attendance, and progress.

.463 If the participant refuses to furnish the required documentation, the CWD shall consider that he/she is not meeting the criteria. See MPP Section 40-157 if the participant is unable to furnish the required documentation.

HANDBOOK ENDS HERE

.92 Supportive Services as specified in Section 42-750 in effect July 1, 1989 through September 30, 1990.

HANDBOOK BEGINS HERE

42-750 SUPPORTIVE SERVICES

.1 Supportive services shall be provided to GAIN registrants to enable them to participate in GAIN activities or to accept employment opportunities. As specified in Section 42-782.1(g) or 42-783.1(k), participation shall not be required if the needed services are not available, not arranged, or are insufficient to meet the participant's needs.

.11 At a minimum, these services shall include child care referrals and payments, transportation costs, ancillary expenses, and personal counseling.

.2 Child care services shall be available to every GAIN participant with a child under 12 years of age who has indicated the need in their basic or amended contract. CWDs are encouraged to contract with existing public and private child care programs to provide any or all of the services specified in this subdivision. Child care by family members shall be encouraged, but the choice between licensed or exempt child care arrangements shall be made by the participant.

.21 Child care arrangements provided through GAIN shall meet the following standards:

.211 Standards required under Title 22, California Code of Regulations Division 12, Chapter 3 (commencing with Section 101251), unless exempt from licensure.

.212 If the CWD chooses to contract with any child care provider which is also under contract with the State Department of Education (SDE), these contracts shall be consistent with and shall not supersede all of the following:

(a) Chapter 2 (commencing with Section 8200) of Part 6 of the Education Code.

(b) Applicable provisions of Title 5 and Title 22 of the California Code of Regulations.

(c) Applicable SDE contract provisions.

.213 If the CWD or a contractor pays for child care services which are exempt from licensure with the exception of extended day care on a school site operated by school employees, all of the following information about the care provider shall be on file with the CWD, or agency contracting with the CWD, and shall be made available to the participant.

- (a) The care provider's name, address, and social security number.
- (b) The address where care is to be provided.
- (c) The hours care is to be provided, and the charge for this care.
- (d) The names, addresses, and telephone numbers of two character references.
- (e) A copy of a valid California driver's license or other identification to establish that the care provider is at least 18 years of age.
- (f) A statement from the care provider as to his or her health; education, experience, or other qualifications; criminal record; and names and ages of other persons in the home or providing care.

.22 In order to provide maximum choice to parents and to ensure the availability of child care, each county shall do all of the following:

.221 Assist participants in locating child care necessary for participation in GAIN. In so doing, the CWD shall:

- (a) Allow and promote parental choice by providing flexibility in child care arrangements and establishing payment arrangements consistent with Section .23 below.
- (b) Provide payment for and assist in arranging for the continuity of child care.
- (c) Provide payment for and assist in arranging for child care to participants whose program demands flexible hours of care, including evenings, weekends, and split shifts.
- (d) To the extent possible, provide payment for and assist in arranging for transportation of children between school and care, if reasonable and necessary.

.222 Coordinate with child care resource and referral agencies, school districts, and other local providers in the development of new child care resources where needed.

.223 Include in the participant contracts referred to in Sections 42-771 through 42-774 the following information in relation to child care services provided in the GAIN program:

- (a) The name, birth date, and sex of each child for whom care is to be provided.
- (b) The types of child care to be provided, including care in the child's home, family day care, or center-based care.
- (c) The scheduled hours of care per week.
- (d) The beginning and anticipated ending dates of care, based on the participant's training program.
- (e) The name and address of the child care provider.
- (f) The rate of pay for child care services.
- (g) Provisions for payment during temporary absences of the child or provider. (See .235 below.)

.224 An amendment to the participant contract shall not be required in instances where the only change relates to child care arrangements. However, the basic contract shall specify that the participant shall notify the CWD of any such changes. This information shall be included in the participant's case file.

.23 Child Care Costs.

.231 GAIN funds may be used to pay for child care services arranged by the participant, providing those costs do not exceed regional market rates as specified in .233 below, and they meet the standards set forth in .21 above.

.232 Child care payments for GAIN participants shall be paid on a per month, per week, per day, or per hour basis depending on the participant needs, and the contractual terms used by the care providers to charge private clients for the same services.

.233 Participants shall be allowed to choose licensed or exempt child care, and the cost shall be reimbursed up to the regional market rate.

- (a) Regional market rates shall be determined annually in accordance with the resource and referral programs provided for under Article 2 (commencing with Section 8210) of Chapter 2 of Part 6 of the Education Code, and the alternative payment program provided for under Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of the Education Code.

(b) The regional market rate means care costing no more than 1.5 standard deviations above the mean market cost of care for that region.

(1) The mean market cost for care in a region shall be determined based on a statistically valid survey of the rates established by child care providers for private clients.

(A) The regional market rate shall be updated every two years with recent survey data.

.234 Reimbursement to child care providers for GAIN participants shall not exceed the fee charged to private clients for the same service. Reimbursement shall be made at a rate lower than that charged to private clients for the same service, if the child care program agrees to charge a lower fee.

.235 GAIN funding will be available to pay for child care services when the child is temporarily absent from care, if it is agreed to pursuant to .223(g) above. Payment may be made for temporary absences only for the following verified reasons:

(a) Illness or quarantine of the child;

(b) Illness or quarantine of the parent;

(c) Family emergency;

(d) Court ordered visits with a parent or other relative of the child; or

(e) Other reasons approved by the CWD.

.24 If a GAIN registrant terminates AFDC dependency due to unsubsidized employment, payment for child care services in accordance with Section .221 above shall be available for a transition period of three months.

(a) This transition period commences immediately following the discontinuance of AFDC.

.25 The CWD shall ensure that there is a mechanism for collecting fees from participants receiving GAIN child care subsidies in accordance with the most recent version of the SDE Family Fee Schedule.

HANDBOOK BEGINS HERE

No fee is charged if a participant's family income, including the AFDC grant, is less than 50 percent of the annually adjusted state median income.

HANDBOOK ENDS HERE

- .251 The fees collected by the CWD, or agency contracting with the CWD, shall be used to expand child care services or resources.
- .3 Reasonable transportation costs shall be paid for every participant to and from his or her GAIN assignment, including transportation to and from the child care provider, and transportation for children to and from child care.
- .31 Regional market rates for transportation shall be determined as follows:
- .311 The least costly form of public transportation that would not preclude participation in GAIN as specified in Section 42-783.1(b).
- .312 If there is no public transportation available which meets the requirements of .311 above, participants may use their own vehicles, and shall be reimbursed at a rate used to reimburse CWD employees for the use of privately-owned vehicles.
- .313 Parking for GAIN participants shall be reimbursed at actual cost. Participants must submit receipts for this purpose, except in cases where parking meters are used.
- .314 Reimbursement to participants who choose to use their own vehicles when public transportation is available shall not exceed the rate specified in .311 above.
- .315 The CWD shall submit as part of their county plan, an alternative for areas in which there is no public transportation available, and where a per-mile reimbursement rate would result in excessive costs.
- .4 Ancillary expenses shall be paid when necessary up to a maximum of \$450 per participant. These shall include books, tools, clothing, fees, and other necessary costs of work or training assignment.
- .41 The maximum in .4 above may only be exceeded on an exception basis where the CWD determines that expenses in excess of the maximum are reasonable and necessary for participation.
- .5 A person who has personal or family problems that are jeopardizing the successful outcome of the employment plan entered into pursuant to Section 42-773 shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job training assignment.
- .51 The CWD shall specify the method(s) that it will use to provide these services in its initial county plan and annual updates.
- .6 Payments for supportive services shall be advanced to the participant whenever necessary and desired by the participant, so that the participant need not use his or her funds to pay for these services.

HANDBOOK BEGINS HERE

The CWD should minimize the need to make advance payments to participants by paying for services directly whenever necessary or desired. The CWD should seek recoupment of any unused portion of an advanced payment whenever possible.

HANDBOOK ENDS HERE

- .61 Payments for supportive services, including reimbursement to licensed child care providers, shall be governed by regional market rates.

HANDBOOK ENDS HERE

- .93 Sanction Criteria in effect 6/13/86.

- .931 As specified in Section 42-785, GAIN Money Management. It is included here as handbook.

HANDBOOK BEGINS HERE

42-785 GAIN MONEY MANAGEMENT

- .1 Money management shall be applied when all three of the following conditions are met:

- .11 The individual has failed or refused to meet GAIN program requirements for the first time without good cause; and

- .12 Informal and formal conciliation efforts under Section 42-781 have failed; and

- .13 The individual is not a volunteer participant in GAIN.

- .131 If a volunteer participant engages in actions which result in money management for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.

- .2 The CWD shall either arrange for a substitute payee, develop a plan for vendor payments, or do both, for the money management period to ensure that none of the grant is paid directly to the participant's assistance unit.

- .21 If the CWD chooses to make payments to a substitute payee, the CWD shall name the payee.

- .211 If the CWD is unable to name a substitute payee, the CWD shall name the payee, the CWD shall allow the recipient to name someone or shall arrange for vendor payments. (See Section 44-309.13 for selection criteria.)

- .212 If an agency payee is used, the agency must ensure that no conflict of interest exists. (See Section 40-107.21.)

.22 The CWD shall be allowed to contract with outside parties to perform the activities associated with money management.

.3 Money management shall begin on the first of the month following the end of formal conciliation.

.31 Before beginning money management, the CWD shall provide at least a ten-day written notice of the intent to begin money management.

.311 If the CWD is unable to provide the ten-day notice before the first of the month following the end of formal conciliation, money management shall begin with the next payment installment. However, the entire calendar month following the end of formal conciliation shall be counted as the first of the three months of money management.

.4 Money management shall occur for a three-month period, with the following exception:

.41 The money management period shall be terminated, and, if administratively feasible, the next aid payment installment following termination shall be paid to the participant, if any of the following occur:

.411 The participant and CWD reach an agreement regarding participation, including a determination that the participant should be exempt (Sections 42-631 through 42-641) or deferred (Section 42-761.3).

.412 The participant performs the activity he/she had previously failed or refused to perform.

.5 If the participant fails to comply with program requirements by the end of the money management period, or violates an agreement to comply made during the management period, financial sanctions shall be imposed according to Section 42-786.

HANDBOOK ENDS HERE

.932 As specified in Section 42-786, GAIN Financial Sanctions in effect 6/13/86.

HANDBOOK BEGINS HERE

42-786 FINANCIAL SANCTIONS

.1 Financial sanctions shall be applied when a mandatory participant fails or refuses to meet program requirements without good cause, and any of the following occur:

.11 The participant fails to cooperate by the end of the money management period.

- .12 The participant fails or refuses to meet program requirements without good cause for a second or subsequent time, and informal and formal conciliation efforts have failed.
- .13 The participant violates the agreement to participate made during the money management period.
- .2 The first financial sanction period shall last for three months. Any additional sanction periods shall last for six months.
- .3 During the sanction period, aid shall be discontinued to the individual or assistance unit as specified below:
- .31 If the individual who failed or refused to participate is:
- .311 A caretaker relative, other than the principal earner, his/her aid shall be discontinued, and aid shall be continued to the remainder of the family (refer to .5 below and Section 44-310 for protective payments); or
- .312 One of several eligible children in the assistance unit, aid shall be discontinued for that child and aid shall be continued to the remainder of the family; or
- .313 The only eligible child in the assistance unit, aid shall be discontinued to the entire family; or
- .314 The principal earner, aid shall be discontinued to all members of the family those sole basis of deprivation is the unemployment of that parent.
- .4 The discontinuance from aid shall become effective at the end of the month following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Sections 42-787.41 and .61 below:
- .41 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.
- .411 If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.
- (a) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.
- .5 The CWD shall arrange for a protective payee in the case of a sanctioned caretaker relative. (See exception in Section 44-310).
- .6 The CWD shall restore aid:
- .61 Upon expiration of the sanction period if the individual applies for aid, registers with GAIN as required in Section 42-760, and is otherwise eligible; or

.62 If the sanction is rescinded as a result of the outcome of a state hearing or either of the formal grievance procedures (Section 42-787).

.7 Financial sanctions shall not apply to individuals who voluntarily participate in the program.

.71 If a volunteer participant engages in conduct which would result in sanctions for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.

HANDBOOK ENDS HERE

.94 Sanction Criteria as specified in Section 42-786.

.941 Regulations in effect July 1, 1989 through November 28, 1989.

HANDBOOK BEGINS HERE

42-786 GAIN FINANCIAL SANCTIONS

.1 Financial sanctions shall be applied when a mandatory participant fails or refuses to meet program requirements without good cause and informal and formal conciliation efforts have failed.

.2 Financial sanctions shall be applied as follows:

.21 The first financial sanction shall continue until the individual and the CWD reach an agreement in an amended contract or the individual agrees to participate in the activity in which he/she previously refused to participate.

.22 The second financial sanction shall continue for three (3) months or until the individual and the CWD reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.

.23 The third or subsequent financial sanction which shall continue for six (6) months or until the individual and the CWD reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.

.24 If a sanction period has continued for three (3) months, the CWD shall notify the individual in writing of his/her option to end the sanction by beginning (or resuming) participation. This notification is to be made no later than 10 working days prior to the end of the third month.

.241 If this is the third or subsequent sanction, the individual shall be notified as specified in Section 42-786.24 that the sanction can be ended only after completion of the six-month sanction period.

.3 During the sanction period, aid shall be discontinued to the individual or assistance unit as specified below:

.31 If the individual who failed or refused to participate is:

.311 A caretaker relative, other than the principal earner, his/her aid shall be discontinued, and aid shall be continued to the remainder of the family (refer to Section 42-786.5 and Section 44-309 for protective payments); or

.312 One of several eligible children in the assistance unit, aid shall be discontinued for that child and aid shall be continued to the remainder of the family; or

.313 The only eligible child in the assistance unit, aid shall be discontinued to the entire family; or

.314 A parent in a family whose sole basis of deprivation is the unemployment of the principal earner, his/her aid shall be discontinued. In addition, if the sanctioned parent's spouse or the second parent is not participating in the program, aid to the spouse or second parent shall also be discontinued.

(a) Aid shall be continued for any dependent children in the assistance unit in accordance with the provisions of Section 44-309.

(b) If the spouse or second parent is participating in the program, his/her aid shall be continued, together with aid for any dependent children in the assistance unit.

(c) If the spouse or second parent chooses to participate after the financial sanction has been imposed, his/her aid shall be restored in accordance with Section 40-125.9.

(d) If the spouse or second parent chooses to participate and subsequently ceases participation without good cause after reinstatement of the sanctioned parent, the spouse or second parent shall be subject to the sanctions specified in Sections 42-786.2 or 42-786.7, as appropriate.

.4 The discontinuance from aid shall become effective at the end of the month following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Sections 42-786.41 and 42-787.61 below:

.41 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.

.411 If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.

(a) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.

.5 The CWD shall arrange for a protective payee in accordance with Section 44-309 as specified in Sections 42-786.311 and 42-786.314(a).

.6 The CWD shall restore aid:

.61 Upon expiration of the sanction period if the individual applies for aid and is otherwise eligible; or

.62 If the sanction is rescinded as a result of the outcome of a state hearing or either of the formal grievance procedures (Section 42-787).

.7 Financial sanctions shall not apply to individuals who are exempt from participation but choose to voluntarily participate in the program.

.71 If a volunteer participant who is a member of a group listed under Section 42-720.671 engages in conduct which would result in sanctions for a mandatory participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.

.72 If any other volunteer participant engages in conduct which would result in sanctions for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.

HANDBOOK ENDS HERE

.942 Regulations in effect November 29, 1989 through September 30, 1990.

HANDBOOK BEGINS HERE

42-786 GAIN FINANCIAL SANCTIONS

.1 Financial sanctions shall be applied when a mandatory participant fails or refuses to meet program requirements without good cause and informal and formal conciliation efforts have failed.

.2 Financial sanctions shall be applied as follows:

.21 The first instance of noncompliance without good cause shall result in a financial sanction which shall continue until the individual and the CWD reach an agreement in an amended contract or the individual agrees to participate in the activity in which he/she previously refused to participate.

.22 The second instance of noncompliance without good cause shall result in a financial sanction which shall continue for three (3) months or until the individual and the CWD reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.

.23 The third or subsequent instance of noncompliance without good cause shall result in a financial sanction which shall continue for six (6) months, or until the individual and the CWD reach an agreement or the individual agrees to participate in the activity in which he/she previously refused to participate, whichever is longer.

.24 If a sanction period has continued for three (3) months, the CWD shall notify the individual in writing of his/her option to end the sanction by beginning (or resuming) participation. This notification is to be made no later than 10 working days prior to the end of the third month.

.241 If this is the third or subsequent sanction, the individual shall be notified as specified in Section 42-786.24 that the sanction can be ended only after completion of the six-month sanction period.

.3 During the sanction period, aid shall be discontinued to the individual or assistance unit as specified below:

.31 If the individual who failed or refused to participate is:

.311 A caretaker relative, other than the principal earner, his/her aid shall be discontinued, and aid shall be continued to the remainder of the family (refer to Section 42-786.5 and Section 44-309 for protective payments); or

.312 One of several eligible children in the assistance unit, aid shall be discontinued for that child and aid shall be continued to the remainder of the family; or

.313 The only eligible child in the assistance unit, aid shall be discontinued to the entire family; or

.314 A parent in a family whose sole basis of deprivation is the unemployment of the principal earner, his/her aid shall be discontinued. In addition, if the sanctioned parent's spouse or the second parent is not participating in the program, aid to the spouse or second parent shall also be discontinued.

(a) Aid shall be continued for any dependent children in the assistance unit in accordance with the provisions of Section 44-309.

(b) If the spouse or second parent is participating in the program, his/her aid shall be continued, together with aid for any dependent children in the assistance unit.

(c) If the spouse or second parent chooses to participate after the financial sanction has been imposed, his/her aid shall be restored in accordance with Section 40-125.9.

(d) If the spouse or second parent chooses to participate and subsequently ceases participation without good cause after reinstatement of the sanctioned parent, the spouse or second parent shall be subject to the sanctions specified in Sections 42-786.2 or 42-786.7, as appropriate.

.4 The discontinuance from aid shall become effective at the end of the month following the CWD's timely and adequate notification (see Section 22-022.1), except as specified in Sections 42-786.41 and 42-787.61 below:

.41 If the recipient appeals the sanction through the state hearing process within the period of timely notification, no sanction shall be imposed until the hearing decision is reached.

.411 If the CWD's action is sustained, the discontinuance shall be effective at the end of the payment month in which the state hearing decision is received.

(a) If the CWD is unable to discontinue aid at the end of such month, aid shall be discontinued at the end of the following payment month.

.5 The CWD shall arrange for a protective payee in accordance with Section 44-309 as specified in Sections 42-786.311 and 42-786.314(a).

.6 The CWD shall restore aid:

.61 Upon expiration of the sanction period if the individual applies for aid and is otherwise eligible; or

.62 If the sanction is rescinded as a result of the outcome of a state hearing or either of the formal grievance procedures (Section 42-787).

.7 Financial sanctions shall not apply to individuals who are exempt from participation but choose to voluntarily participate in the program.

.71 If a volunteer participant who is a member of a group listed under Section 42-720.671 engages in conduct which would result in sanctions for a mandatory participant, the individual shall not be given priority so long as other individuals are actively seeking to participate.

.72 If any other volunteer participant engages in conduct which would result in sanctions for a mandatory participant, the individual shall be precluded from participating in the program for a six-month period.

HANDBOOK ENDS HERE

Authority Cited: Sections 11310 et seq., 11320.5(b)(5) and 11329.3(e)(1) through (4), Welfare and Institutions Code.

Reference: Jacobson v. Anderson, Settlement and Consent Decree, Case No. 68117.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY

California Department of Social Services

AGENCY FILE NUMBER (If any)

0293-04

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

93-0621-026

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1993 JUN 21 PM 2:27

ENDORSED
APPROVED FOR FILING
AND PUBLICATION

JUL 1 1993

NOTICE

REGULATIONS

Office of Administrative Law

Original
For use by Secretary of State onlyFILED
In the office of the Secretary of State
of the State of California

JUL 01 1993

At 3:58 o'clock P. M.
MARCH FONG, EL Secretary of State

By Cynthia J. Pace

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Division 30 (CWS) Rewrite		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT SEE ATTACHED
SECTIONS AFFECTED	AMEND SEE ATTACHED
	REPEAL SEE ATTACHED

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) July 1, 1993

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson

TYPED NAME AND TITLE OF SIGNATORY

ELOISE ANDERSON, Director

DATE

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

B.1. ADOPT

Division 31

Chapters 31-000, 31-100, 31-200, 31-300, 31-400, and 31-500

Sections 31-005, 31-082, 31-084, 31-105, 31-110, 31-115, 31-120, 31-130, 31-201, 31-205, 31-210, 31-215, 31-220, 31-225, 31-230, 31-235, 31-301, 31-305, 31-310, 31-325, 31-330, 31-335, 31-340, 31-345, 31-435, 31-445, 31-501, 31-505, 31-525

AMEND

Sections 30-100, 30-102, 30-30-109, 110, 30-120, 30-132, 30-134, 30-144, 30-154, 30-156, 30-158, 30-162, 30-170, 30-172, 30-174, 30-176, 30-184, 30-186, 30-192, 30-194, 30-196, 30-198

Sections 30-202, 30-220, 30-234, 30-244, 30-252, 30-254, 30-262, 30-264, 30-276,

Sections 30-302, 30-330, 30-336, 30-338, 30-342, 30-348, 30-354, 30-355, 30-356, 30-362, 30-364, 30-366, 30-168, 30-374, 30-376, 30-378,

Sections 30-402, 30-436, 30-442, 30-454, 30-456, 30-476, 30-491, 30-492, 30-493, 30-494, 30-495, 30-496, 30-497, 30-498, and 30-499

REPEAL

Chapters 30-100, 30-200, 30-300, and 30-400

Sections 30-110 (in part), 30-130, 30-140, 30-142, 30-144 (in part), 30-150, 30-152, 30-160, 30-170 (in part), 30-174 (in part), 30-176 (in part), 10-180, 10-184 (in part), and 30-190

Sections 30-200, 30-210, 30-230, 30-232, 30-234 (in part), 30-240, 30-242, 30-244 (in part), 30-246, 30-250, 30-254 (in part), 30-256, 30-260, 30-262 (in part), 30-270, 30-272, 30-274, and 30-276 (in part)

Sections 30-300, 30-310, 30-320, 30-332, 30-334, 30-340, 30-342 (in part), 30-344, 30-346, 30-350, 30-360, 30-370, 30-372, 30-374, 30-276 (in part), and 30-390

Sections 30-400, 30-410, 30-420, 30-430, 30-432, 30-434, 40-438, 30-440, 30-444, 30-446, 30-448, 30-450, 30-452, 30-455, 30-458, 30-460, 30-462, 30-466, 30-468, 30-470, 30-472, 30-474, 30-476 (in part), 30-478, and 30-490

Adopt new Division 31 and new Chapter 31-000; renumber Section 30-100 to new Section 31-001 and amend to read:

DIVISION 31 CHILD WELFARE SERVICES PROGRAM

CHAPTER 31-000 GENERAL REQUIREMENTS

~~30-100~~

31-001 GENERAL

~~30-100~~

31-001

- .1 ~~The provisions of this chapter shall apply whenever emergency response services are provided, as a component of preplacement preventive services, to a child or family in response to a request of referral alleging that a child is endangered by abuse, neglect, or exploitation.~~

The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.

- .2 The following special provisions shall also apply:

- .21 Provision of services to a child or family when the child is under the jurisdiction of Interstate Compact on the Placement of Children shall be subject to the additional requirements specified in Section ~~30-184~~ 31-510.
- .22 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections ~~30-109, 30-134/13 and 30-188~~ 31-515 and 31-520.
- .23 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
- .24 Provision of services to a child or family when the child is placed out-of-county shall be subject to the additional requirements specified in Section 31-505.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~10553 and 10554~~ 361.2(c) and (d), Welfare and Institutions Code; Section 265, Civil Code; 25 USCA Section 1901 et seq.; and 42 USC Sections 675 and 677.

Renumber Sections 30-102, 30-202, 30-402, and Section 30-002, in part, to new Section 31-002, and Sections 30-302(c) and (i) to new Sections 31-002(c)(8) and (f)(3), respectively, and amend to read:

~~30-102~~

~~30-102~~

~~30-202~~

~~30-202~~

~~30-402~~

~~30-402~~

31-002 DEFINITIONS

31-002

(a) (1) "Administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.

~~30-002a/~~

(2) "Adult" means a person 18 years of age or older.

(3) "Agreement" means a written document signed by two or more persons specifying what each person plans and agrees to do and/or not do with regard to accomplishing specifically stated objectives.

(4) "Aid to Families With Dependent Children - Foster Care (AFDC-FC)" means aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws.

(5) "Assessment process" means the process of gathering, evaluating, and documenting in the case plan information relevant to the case situation and an appraisal of case services needs.

(b) Reserved

~~30-002~~

~~c/ 1/ "Case" for Child Welfare Services Programs means the following:~~

~~(A) "Emergency Response Assessment Case" means the documented activities of the emergency response social worker necessary to complete an assessment to determine whether or not an in-person response is appropriate.~~

~~(B) "Emergency Response/ In-person Response Case" means the documented activities of the emergency response social worker/ based on an assessment which determined that an in-person response is appropriate/ and the social worker has either:~~

~~1/ Completed an in-person response/ including an initial evaluation which determines that no additional Child Welfare Services are required and no further action is necessary/ or/~~

2/ Attempted an in-person response/ including activities associated with identifying and/or locating/ the whereabouts of the child and/or parents/ even when such efforts are unsuccessful and no in-person contact can be made and the case is closed/

(C) "Emergency Response Services Case" means the documented activities of the emergency response social worker who/ based on an assessment which determined that an in-person response was appropriate/ has completed an in-person response and conducted an initial evaluation/ determined that additional child welfare services are required/ and prepared an emergency response assessment and service plan/

(D) "Family Maintenance Case" means a family maintenance assessment and service plan have been or are being completed which identify the need for family maintenance services/ A family maintenance case begins when a first level supervisor in the sending program approves transfer of the case to the Family Maintenance Program/ or on the date of the hearing at which family maintenance services are ordered/

(E) "Family Reunification Case" means a family reunification assessment and service plan have been or are being completed which identify the need for family reunification services/ A family reunification case begins when a first level supervisor in the sending program approves transfer of the case to the Family Reunification Program/ or on the date of the hearing at which family reunification services are ordered/

(F) "Permanent Placement Case" means a permanent placement assessment and service plan have been or are being completed which identify the need for permanent placement services/ A permanent placement case begins on the date of the hearing at which permanent placement services are ordered/

(c) (1) Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.

(2) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.

(3) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.

(4) "Case record" means a record for each child receiving child welfare services beyond the emergency response protocol, that contains all of the documentation requirements specified by the Division 31 regulations.

(5) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

30+0024/

(26) "Child" means a person under 18 years of age.

2/ (17) "Child Abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s) in whom the court has vested care, custody, and control of the child. The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 30+002 2/17/17 31-002(c)(7)(A) through (D).

(A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.

(B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165(.3) and (.4) as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

HANDBOOK BEGINS HERE

1/ Penal Code Section 11165(.3) defines "willful cruelty or unjustifiable punishment of a child" as follows:

(1) A situation where any person willfully causes or permits any child to suffer or inflicts thereon/ unjustifiable physical pain or mental suffering/ or having the care or custody of any child/ willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

2/ Penal Code Section 11165(.4) in pertinent part/ defines "corporal punishment or injury" as follows:

11/ A situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition/

HANDBOOK ENDS HERE

(C) "Severe physical abuse" means any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(D) "Sexual abuse" means the victimization of a child by sexual activities, including, but not limited to, those activities defined in Penal Code Section 11165.1. (a) as "sexual assault"/

HANDBOOK BEGINS HERE

1/ This statute specifies as follows/

11/ "Sexual assault" means conduct in violation of one or more of the following sections of the Code: Section 261 Rape/ 264.1 Rape in concert/ 285 Incest/ 286 Sodomy/ subordination (a) or (b) of Section 288 Lewd or lascivious acts upon a child under 14 years of age/ 288a Oral copulation/ 289 Penetration of a genital or anal opening by a foreign object/ or 267a Child molestation/

HANDBOOK ENDS HERE

(8) "Child Health and Disability Prevention (CHDP)" means a public health well child program to provide health care services and health assessment services to eligible children. The program is administered at the state level by the Department of Health Services and locally by local health departments.

30-302

(9) "Child in ~~imminent~~ immediate danger" means a child whose health and safety are in jeopardy as described in Welfare and Institutions Code Section 306(b).

30+0026/112Y

- (A10) "Child-placing agency" means a county welfare or social services department/ and a county probation department when subject to the provisions of Welfare and Institutions Code Section 202.5/ the Los Angeles County Department of Children's Services/ and the Los Angeles County Department of Adoptions.
- (11) "Child welfare services" means public social services directed toward protecting and promoting the welfare of children as defined by Welfare and Institutions Code Section 16501(a).
- (12) "Community planning" means participation in local efforts in order to develop new services to resolve problems and in order to improve the coordination between existing services.
- (13) "Consultation" means activity on the child's behalf in which county staff or a third person or organization seek the expertise of the other.
- (14) "Contact" means contact in person, in writing, or by telephone by a social worker or other person authorized by the Division 31 regulations to make case contacts with the child, parent(s)/ guardian(s), out-of-home care providers, and/or other persons involved in the case plan (e.g., siblings, other relatives).
- (15) "Coordination" means activity on the child's behalf in order to integrate the activities of county staff and third persons or organizations in solving a specific problem.

30+0026/112Y

- (A16) "Counseling" means assisting the ~~recipient~~ child and his/her family to analyze and better understand the situation; select methods of problem-solving; identify goals; and explore alternative behavior.
- (17) "County" means a county welfare or social services department.
- (18) "County Deputy Director" means that position in the county that is responsible for countywide supervision of the county's Child Welfare Services program.
- (19) "County staff" means those public employees responsible, directly or indirectly, for the delivery or authorization for the delivery of social services, and whose salaries or wages are funded in whole or in part through Titles IV-B, IV-E, or XX of the Social Security Act. This does not include employees of contract agencies under contract to the county for the delivery of social services or individual contractors.

30+0026/112Y

- (B20) "Crisis intervention" means determining the ~~precipitant~~ cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members.

- (d) (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility.
- (2) "Department" means the California Department of Social Services (CDSS).
- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (3) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (4) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (5) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.
- (6) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.

30+102

- 11 (7) "Emergency response program services" means that program those services described in Welfare and Institutions Code Section 16501/1(df).

HANDBOOK BEGINS HERE

111 This statute describes the program as follows:

1111 The Emergency Response Program is a component of Preplacement Preventive Services and is a response system which provides immediate in-person response, 24 hours a day, seven days a week to reports of abuse, neglect, or exploitation, for the purpose of providing initial intake services and crisis intervention to maintain the child safely in his or her own home or to protect the safety of the child.

HANDBOOK ENDS HERE

30+0024/11Y

(08) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.

30+0024/

(29) "Exploitation" means forcing or coercing a person child into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).

HANDBOOK BEGINS HERE

1AY Penal Code Section 11165.1(c) in pertinent part/ defines "sexual exploitation" as referring to the following/

1iY Any person who knowingly promotes/ aids or assists/ employs/ uses/ persuades/ induces/ or coerces a child/ or any person responsible for a child's welfare who knowingly permits or encourages a child to engage in/ or assist others to engage in/ prostitution or a live performance involving obscene sexual conduct or to either pose or model alone or with others for purposes of preparing a film/ photograph/ negative/ slide/ drawing/ painting/ or other pictorial depiction involving obscene sexual conduct/

1iiY "Person responsible for a child's welfare" means a parent/ guardian/ foster parent/ or a licensed administrator/ or employee of a public or private residential home/ residential school/ or other residential institution/

HANDBOOK ENDS HERE

(f) (1) "Family" means, for purposes of providing child welfare services, parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.

30+202

11 (2) "Family maintenance program services" means that program those services described in Welfare and Institutions Code Section 16501.1(bg).

HANDBOOK BEGINS HERE

111 This statute describes the program as follows/

1111 The Family Maintenance Program is a component of Preplacement Preventive Services and is designed to provide time-limited protective services to prevent or remedy neglect/ abuse/ or exploitation/ for the purposes of preventing separation of children from their families/

HANDBOOK ENDS HERE

- (3) "Family preservation worker" means a social worker who provides family preservation services as specified in Welfare and Institutions Code Section 16500.5.

30+302

- (14) "Family reunification program services" means that program those services described in Welfare and Institutions Code Section 16501/2(h).

HANDBOOK BEGINS HERE

11) This statute describes the program as follows:

1A) "The family reunification program is designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home and needs temporary foster care while services are provided to reunite the family."

HANDBOOK ENDS HERE

30+00211

- (25) "Foster care" means the provision of 24-hour care and supervision by to a child who has been placed by a child placing agency in one of the following types of foster homes:

(A) A licensed foster family or family home.

(B) A licensed small family home.

(C) A family home certified by a ~~nonresiding~~ licensed foster family agency for its exclusive use.

(D) A foster family home which has been certified pending licensure.

(E) A licensed group home for children.

(F) The home of a relative other than the child's parent/guardian, pursuant to a court order or voluntary placement agreement.

- (6) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.

- (7) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.

- (78) "Foster parent" means ~~the~~ a person whose home is licensed as a foster family home or licensed as a small family home or certified for 24-hour care of children, and a person to whom the responsibility for the provision of foster care is delegated by the licensee, and a relative other than the child's parent/guardian who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.

30+002

(g/1) (1)

"Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.

(A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.

(B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.

- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.

- (73) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code Section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code Section 366.25~~(e)~~ or .26.

(h) Reserved

30+002

(i/1) (1)

"Independent Living Program (ILP)" means the program authorized under 42 U.S.C. 677 of the Social Security Act for services and activities to assist ~~eligible~~ children age 16 or older in foster care to make the transition from foster care to independent living.

30+0024/

(7A) "Written transitional independent living plan" means a written description of the programs and services, including employment, as appropriate, based on an assessment of the individual child's skills and abilities, which will help the child prepare for transition from foster care to independent living.

20+00211

(2) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

(A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.

(B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.

(C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father ~~where~~ when paternity has not been acknowledged or established.

(D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

(E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.

(F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.

(G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.

(H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.

- (3) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.

10+0026/117

- (p4) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.

10+0027/

- (75) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.

- (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
- (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
- (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(j) Reserved

(k) Reserved

- (1) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.

- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.

30+002m/

(2)

"Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.

30+002

(n/)(1)

"Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).

HANDBOOK BEGINS HERE

(A) Penal Code Section 11165.2(a) defines "severe neglect" as follows:

(1) The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. Severe neglect also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as prescribed by subdivision (d), including the intentional failure to provide adequate food, clothing, shelter, or medical care.

(B) Penal Code Section 11165.2(b) defines "general neglect" as follows:

(1) The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

(C) Penal Code Section 11165.2(d) further specifies as follows:

(1) A child receiving treatment by spiritual means as provided in Section 18509 of the Welfare and Institutions Code, or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by a parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

(D) 45 Code of Federal Regulations (CFR) Part 1340.13(b)(1) defines "medical neglect" as follows:

(1) The withholding of medically indicated treatment from a disabled infant with a life-threatening condition;

(E) 45 CFR Part 1340.13(b)(2) defines "withholding of medically indicated treatment" as follows:

1. The failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's (or physicians') reasonable medical judgment any of the following circumstances apply:

(1) The infant is chronically and irreversibly comatose;

(2) The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(3) The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment of itself under such circumstances would be inhumane;

(F) 45 CFR 1340.13(b)(3) defines "infant" as follows:

(1) An infant less than one year of age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age, or to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age. In addition to their applicability to infants less than one year of age, the standards set forth in 45 CFR Part 1340.13(b)(2) should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability.

(G) 45 CFR Part 1340.13(b)(3) defines "reasonable medical judgment" as follows:

1111 1111 a medical judgment that would be made by a reasonably prudent physician/ knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved/

HANDBOOK ENDS HERE

(o) (1) "Out-of-home care provider" means a person or entity who provides foster care.

30+002

(p/1) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.

30+0024/111

(02) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.

30+402

11 (3) "Permanent placement program services" means that program those services described in Welfare and Institutions Code Section 16501/3(i).

HANDBOOK BEGINS HERE

111 The statute describes the program as follows/

"The permanent placement program is designed to provide an alternate permanent family structure for children who because of abuse/ neglect/ or exploitation cannot safely remain at home and who are unlikely to ever return home//

HANDBOOK ENDS HERE

(4) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.

(5) "Preferential consideration" means that the relative seeking placement shall be the first placement to be considered and investigated.

30+0020/

(26) "Preplacement preventive services" means those services which are designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are provided through the Emergency Response services program/ as specified in Chapter 30+100/ and through the Family Maintenance program/ as specified in Chapter 30+200 services.

(q) Reserved

(r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.

30+0028/11Y

(#2) "Referral to community agency" means informing another service agency that a ~~person~~ child and/or that child's family desires or requires that agency's services; and assisting the ~~person~~ child and/or family to avail him/herself themselves of such services.

(3) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.

(4) "Relative" means, for purposes of preferential consideration for placement of a minor, an adult who is a grandparent, aunt, uncle, or sibling of the minor.

30+0028/11Y

(#5) "Out-of-home ~~Respite~~ care" means the provision of prearranged child care in settings other than the child's own home when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary out-of-home care is in the child's best interest. Out-of-home ~~Respite~~ care services are offered as part of a ~~service~~ case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Out-of-home ~~Respite~~ care services do not exceed 4872 hours per session. These services are not provided for the purpose of routine, on-going child day care.

(s) (1) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3.

30+0028/

(12) "Service funded activity" means a clearly delineated activity purchased from an entity other than the primary or performed by social service staff. Such an activity may be delivered separately from the service program of which it is a part. Service-funded activities include the activities defined in 1A) through 1L) below activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).

(3) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710

of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.

- (4) "Social services" or "services" means the composite of service programs funded under Titles IV-B, IV-E, and XX of the Social Security Act, and any other applicable funding sources.
- (5) "State agency" means the California Department of Social Services (CDSS).
- (6) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.

30+0025/11

(t) (71) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), caretaker(s) or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the parent(s)/guardian(s) or caretaker(s) presence of the parent(s)/guardian(s) in the home.

(72) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.

(3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.

30+0025/11

(K4) "Transportation" means conveying a recipient child and/or the child's family from one place to another when mobility is necessary to support a specific service case plan, and no other means of conveyance is available.

20/002
(u/1) (1)

"Unfounded report" means a report of alleged child abuse, which is determined by a child protective agency investigator to be false, to be improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.126.

ANY THIS STATE DESCRIBES A VOLUNTARILY PLACEMENT AS FOLLOWS:
HAPPENING BEGINS HERE

20/00241
(12)

"Voluntary placement" means a placement described by 42 USC 6721(f)(1) Welfare and Institutions Code Section 11400(n).

(A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or
(B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.

(B3)

"Voluntary placement agreement" means the agreement described by 42 USC 6721(f)(2) Welfare and Institutions Code Section 11400(o).

ANY THIS STATE DESCRIBES A VOLUNTARILY PLACEMENT AS FOLLOWS:
HAPPENING BEGINS HERE

HAPPENING ENDS HERE

HANDBOOK BEGINS HERE

(1) This statute describes a voluntary placement agreement as follows:

(a) A written agreement, binding on the parties thereto, between the state agency, and other agency acting on its behalf, and the parents or guardians of a minor child, such agreement specifies the legal status of the child, the rights and obligations of the parent(s) or guardian(s), the child, and the agency while the child is in placement, and any other relevant factors.

HANDBOOK ENDS HERE

(w) Reserved

(x) Reserved

(y) Reserved

(z) Reserved

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 300(c), 300(e), 306(b), 361, 11400(a), 16501.1(f)(7), and 16503, Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 USC Section 675; Section 1502, Health and Safety Code.

Adopt new Section 31-005, renumber Sections 30-192.4 et seq. and .6 et seq. to new Sections 31-005.1 et seq., and Sections 30-374.11 and .13 et seq. to new Sections 31-005.12 and .15 et seq., respectively, and amend to read:

31-005 CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES

31-005

~~30-192~~

~~.41~~ The county ~~welfare department~~ shall perform the following program support activities:

~~.411~~ Establishment of an effective system of preplacement preventive services for children through liaison with the courts, and with probation, law enforcement, and other public and private agencies.

~~.4111~~ Such system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children.

~~.42~~ Active recruitment of competent providers of temporary placement services to meet the varied needs of children receiving emergency response services.

~~30-374~~

~~.112~~ Actively recruitment of competent foster care placement providers and facilities to meet the varied needs of children for such care.

~~30-192~~

~~.413~~ Development of knowledge of the Ensure that county staff are aware of the policies and programs and policies of that are available through temporary placement facilities to ensure their effective use by social services staff.

~~.414~~ Encouragement of community planning to meet children's needs by performance of the following activities:

~~.4141~~ Delineation of such needs.

~~.4142~~ Encouragement and assistance in developing and expanding the following in the community:

(a) Services which improve parent/guardian effectiveness, and which reduce the need for out-of-home care.

(b) Facilities which can provide care, supervision, and services to children.

(c) Services and activities which are beneficial to children.

~~30-374~~

~~.135~~ Establishment of working relationships with the court which provide for methods of delineating the county's responsibility for the following:

.1751 Maintenance of the confidentiality of individual parents/guardians and children's public assistance and social service records of the parent(s)/guardian(s) and children during the necessary provision of information, evaluations, and recommendations for the court's use in determining its actions.

.1752 Enforcement of court orders.

.1753 Reporting of developments to the court.

30+192

.4516 Utilization of volunteers as specified in Welfare and Institutions Code Section 16501 31-305.

HANDBOOK BEGINS HERE

1481 This statute specifies as follows:

(a) Any county may utilize volunteer individuals to supplement professional child welfare services in the areas of transportation, respite care, and emergency foster care, provided all volunteers agree to be subject to the State Department of Social Services regulations.

HANDBOOK ENDS HERE

16 .17 The county welfare department shall contact each health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 30+002a 31-002(n) (1).

161 .171 The county welfare department shall, no less than once a year, recontact each health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 827, 10850, and 16500, Welfare and Institutions Code and 45 CFR 1340.15(c) (2) (ii).

Renumber Section 30-192 to new Section 31-010 and Section 30-110.3 to new Section 31-010.2 and amend to read:

~~30-192~~
31-010 ~~GENERAL ADMINISTRATIVE REQUIREMENTS AND PROGRAM~~
~~SUPPORT ACTIVITIES FOR EMERGENCY RESPONSE SERVICES~~

~~30-192~~
31-010

- .1 The county ~~welfare department~~ shall be permitted to establish an emergency response services unit in cooperation with neighboring counties, provided that the requirements specified in Welfare and Institutions Code Section 16502 have been met.

HANDBOOK BEGINS HERE

- .11 ~~THIS statute~~ Welfare and Institutions Code Section 16502 specifies as follows:

~~1111~~ Child welfare services...shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department.

HANDBOOK ENDS HERE

~~30-110~~

- .32 No application or inquiry into income or status shall be made for the purpose of determining eligibility for emergency response services.

~~30-192~~

- .3 The county ~~welfare department~~ shall maintain statistics on every emergency response ~~services program statistics on every~~ request or referral received.

- .31 Such data shall be summarized and reported to the department on the preplacement ~~preventative~~ services report form.

- ~~15~~ The county ~~welfare department~~ shall be permitted to seek advice from ~~available child abuse coordinating councils, or community family and children's services advisory committees,~~

- .4 The county shall retain completed emergency response protocol forms at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11166, Penal Code, and 45 CFR Part 1340/1341/1342/1343/10852, 10853, 16500, 16501, and 16502, Welfare and Institutions Code.

Renumber Section 30-194 to new Section 31-015 and amend to read:

~~30-194~~

31-015 TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES

~~30-194~~

31-015

- .1 Emergency response services shall include free public telephone access to emergency response staff at any time.
 - .11 The county ~~welfare department~~ shall arrange for toll-free long distance calls, or shall accept collect calls.
 - .12 The county ~~welfare department~~ shall be permitted to provide telephone answering services through community agencies, except that such services shall not be provided through law enforcement or probation agencies.
 - .121 Such agencies shall provide for immediate transfer to the county ~~welfare department~~ of any call alleging or pertaining to child abuse, neglect, or exploitation.
 - .13 A "911" telephone number shall not be the sole access to emergency response services unless the agency answering the telephone transfers all requests and referrals regarding child welfare services to the county ~~welfare department~~.
 - .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
 - .21 Telephone book and community resources directory listings.
 - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
 - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
 - .23 Ongoing public awareness activities which encourage self-referrals.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16504, Welfare and Institutions Code.

Renumber Section 30-378 to new Section 31-020 and amend to read:

~~30-378~~

31-020 GRIEVANCE PROCEDURES

~~30-378~~

31-020

- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
 - .21 Removal of a child under any of the circumstances specified in Sections ~~30-348~~ 31-440.21 through .25.
 - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
 - .23 Removal of a child for direct placement into an adoptive home.
 - .24 Any complaint regarding only the validity of a law or of a statewide regulation.
 - .25 Any complaint regarding an issue for which a ~~fax~~ state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
 - .31 The ~~agency~~ county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
 - .311 A legal parent/guardian at the time the child is placed.
 - .312 A foster parent at the time of licensing.
 - .313 Any complainant at the time a complaint is filed.
 - .32 A review request shall be filed in the form of a written statement signed by the complainant.
 - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the ~~agency~~ county action.
 - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
 - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 ~~above~~ and in Sections ~~30-348~~ 31-440.21 through .25, the complainant shall submit the review request to the ~~agency~~ county not less than two calendar days prior to the intended date of removal.

- .35 The ~~agency~~ county shall assist in preparation of the complaint if assistance is requested or necessary.
- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
- .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.
- .5 The review shall be conducted as follows:
- .51 The review agent shall be:
- .511 A staff or other person not involved in the complaint.
- .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the ~~agency~~ county.
- .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
- .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
- .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.
- .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
- .55 All testimony shall be given under oath or affirmation.
- .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
- .61 The review agent shall render a written recommended decision, and the ~~agency~~ county director shall issue a final written decision, within five calendar days after review completion.
- .62 The decision shall be based upon the evidence presented at the hearing.
- .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.

- .64 A copy of the decision shall be sent to the following:
- .641 Each party to the review.
 - .642 Every representative of each party.
 - .643 The ~~State~~ California Department of Social Services.
- .7 Unless the child is in ~~imminent~~ immediate danger, he/she shall remain with the foster parent(s), pending decision of the ~~agency~~ county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-491 to new Section 31-025 and amend to read:

10491 31-025 REVISOR ADMINISTRATIVE REVIEWS
31-025 10491

1. Administrative reviews shall be conducted as specified in welfare and institutions code Sections 366.3, 16503, and 16507.3A(4) and (4)(b); and sections 478A(4)(b) of the 1987 Minnesota Code (675(6)).

HANDBOOK BEGINS HERE

11. These statutes specify that the agency responsible for placement and care of the child shall identify the child in foster care placement who are to receive administrative reviews and specifies that each child's status is to be reviewed periodically, but no less frequently than once every six months.

1111 Child's placement shall be reviewed at least once every six months.

1112 Child's placement shall be reviewed at least once every six months.

1113 Child's placement shall be reviewed at least once every six months.

1114 Child's placement shall be reviewed at least once every six months.

1115 Child's placement shall be reviewed at least once every six months.

1116 Child's placement shall be reviewed at least once every six months.

1117 Child's placement shall be reviewed at least once every six months.

HANDBOOK ENDS HERE

2. Administrative reviews shall not be required for children for whom a legal guardian has been appointed as a permanent plan unless the child has been removed from the guardian pursuant to welfare and institutions code Section 300.

Authority Cited: Sections 10553 and 10554, welfare and institutions code.

Reference: Sections 366.3, 16503, and 16507.3, welfare and institutions code and 42 USC Section 675(6).

Renumber Section 30-492 to new Section 31-030:

~~30-492~~
31-030 PURPOSE OF REVIEWS

~~30-492~~
31-030

- .1 The administrative review panels shall make determinations as specified in Welfare and Institutions Code Section 16503(a) and 42 USC 675(5). CT

HANDBOOK BEGINS HERE

111 This statute provides that administrative reviews are to be conducted in order to determine the following:

1111 The continuing appropriateness of the placement;

1112 The continuing appropriateness of and extent of compliance with the permanent plan for the child;

1113 The extent of compliance with the case plan;

1114 The adequacy of services provided to the child;

1115 A projection of the likely date by which the child may be returned home, or placed for adoption or legal guardianship;

HANDBOOK ENDS HERE

Authority Cited: Sections 10533 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(6).

Renumber Section 30-493 to new Section 31-035 and amend to read:

~~30-493~~

31-035 COUNTY RESPONSIBILITIES

~~30-493~~

31-035

- .1 Each administrative review panel shall include three or more members as follows:
 - .11 At least one member shall be outside the direct line of supervision of the case under review.
 - .111 Such member shall ~~shall~~ not be the worker, his/her supervisor, or persons at other levels of supervision or administration who could directly influence the placement of the child.
- .2 Hearing procedures shall be established to address the objectives specified in ~~the statutory provision referenced in Section 30-492/1~~ Welfare and Institutions Code Section 16503.
- .3 The county shall develop, maintain, and implement a written administrative review plan.
 - .31 The plan shall include the following:
 - .311 The number and size of review panels established as specified in Sections ~~30-493/1~~ 31-035.1 through .111.
 - .312 A summary of the training to be provided to review panels.
 - .313 Procedures for notification of participating parties, as specified in Sections ~~30-495/1~~ 31-045.1 and .2.
 - .314 Procedures for conduct of hearings, as specified in Sections ~~30-496/1~~ 31-050.1 ~~through~~ and .2
 - .315 Standards and procedures under which hearings will be scheduled, postponed, or continued, as specified in Sections ~~30-498/1~~ 31-050.3 through .33.
- .4 Prior to implementing the administrative review plan the county shall submit to the Department written certification that their plan meets all requirements specified in Sections ~~30-493/1~~ 31-035.3 through .315.

~~/41 The written certification specified in Section 30-493/4 shall be submitted to the Department of Social Services (DSS) for approval prior to implementation.~~
- .5 If the plan is modified, the county shall recertify to the SCDSS that the county's plan continues to meet all the requirements.

.4251 The county shall document and maintain records of all modifications to the administrative review plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-494 to new Section 31-040 and amend to read:

~~30-494~~
31-040 PARTICIPANTS IN THE REVIEW

~~30-494~~
31-040

1. The following parties to the case under review shall be allowed to participate in the administrative review hearing:
 - .11 The parent(s)/guardian(s) from whom the child has been removed, provided that such person's parental rights have not been voluntarily relinquished, or terminated by court action.
 - .12 Any other relative of the child who has been significantly involved in his/her care.
 - .13 The child, if 10 years of age or older.
 - .14 The current foster care provider(s).
 - .15 The social worker(s) responsible for the ~~child's~~ case management or service delivery of the child or parent(s)/guardian(s).
 - .16 The representative(s), as defined in Section ~~30-200(y)~~ 31-002(r)(3) ~~of the child and of the parent(s)/guardian(s).~~
 - .161 Such representative(s) shall be allowed to attend the review in the party's place or company.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-495 to new Section 31-045 and amend to read:

~~30-495~~

31-045 NOTIFICATION REGARDING THE REVIEW

~~30-495~~

31-045

- .1 At the time of initial placement in foster care, the requirements specified in Section ~~30-330/2~~ 31-401.2 shall be met.
- .2 At least 15 calendar days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the parties specified in Sections ~~30-494~~ 31-040.11, .13, .14, and .16.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-496 to new Section 31-050 and amend to read:

~~30-496~~

31-050 CONDUCT OF THE REVIEW HEARING

~~30-496~~

31-050

- .1 The services ~~case~~ social worker or other qualified person familiar with the case shall present ~~summary~~ the case plan and any additional information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in ~~the statutory provision referenced in Section 30-492/1~~ Welfare and Institutions Code Section 16503.
- /// Information presented shall include but not be limited to the following:*
- /// A description of the child's history and current situation/*
- /// A description of the current situation of the child's parent(s)/guardian(s)/*
- .2 The review panel shall allow comments by all hearing participants.
- .3 Hearings shall be postponed or continued only at the request of the child, or of the parent(s)/guardian(s); or if the review panel determines that additional time is necessary to obtain or evaluate information necessary to make an appropriate case-related decision.
- .31 No delay shall be allowed unless it is in the best interest of the child.
- .32 The delay shall not exceed ten working days.
- .33 No more than one postponement or continuance shall be granted for each six-month review period.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1 and 16503, Welfare and Institutions Code.

Renumber Section 30-497 to new Section 31-055 and amend to read:

~~30-497~~
31-055 AUTHORITY OF THE REVIEW PANEL

~~30-497~~
31-055

- .1 The panel shall have the authority to modify the placement, the permanent placement plan, and the ~~agency's~~ county's current individual case plan goals and services, consistent with the determinations specified ~~the statutory provision referenced in Section 30-492/1~~ in Welfare and Institutions Code Section 16503.
- .11 If the panel determined that a necessary change in the permanent placement plan, or in individual case plan goals and services, requires modification or termination of an existing court order, the panel shall direct the ~~agency responsible for delivery of services to the parent(s)/guardian(s) and child~~ county to petition the court for the recommended change.
- .111 The ~~agency~~ county shall continue to provide services pursuant to the requirements of the court order pending court consideration of recommended changes.
- .112 If the court does not modify the court order as recommended by the review panel, the ~~agency~~ county shall notify the panel and shall continue to provide services consistent with the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-498 to new Section 31-060 and amend to read:

~~30-498~~
31-060 REPORTS FROM THE REVIEW PANEL

~~30-498~~
31-060

- .1 The administrative review panel shall complete or direct the completion of a written report including, but not limited to the following information:
 - .11 The panel shall be permitted to use a copy of the ~~service~~ case plan to fully or partially comply with the requirement specified in Section ~~30-498~~ 31-060.1, provided that the requirements specified in Sections ~~30-498~~ 31-060.2 through and .3 are met.
- .2 The report shall include determinations as specified in Welfare and Institutions Code Section 16503(a) and 42 USC 675(5g).

5

HANDBOOK BEGINS HERE

- 121 This statute provides that administrative reviews are to be conducted in order to determine the following:
 - 1211 The continuing appropriateness of the placement;
 - 1212 The continuing appropriateness of and extent of compliance with the permanent plan for the child;
 - 1213 The extent of compliance with the case plan;
 - 1214 The adequacy of services provided to the child;
 - 1215 A projection of the likely date by which the child may be returned home, or placed for adoption or legal guardianship;

HANDBOOK ENDS HERE

- .3 Each ~~review~~ report shall be ~~held~~ completed within 15 calendar days of the hearing.
- .4 The ~~written~~ report shall be signed by the chairperson of the review panel.
- .5 The ~~agency responsible for placement and care of a child~~ county shall, within 15 calendar days following the hearing, distribute ~~to the following~~ copies of the administrative review panel recommendations to:
 - .51 The child, if ~~12~~ 10 years of age or older.
 - .52 The parent(s)/guardian(s) of the child; and his/her representative(s), as defined in Section ~~30-002(y)~~ 31-002(r)(3).
 - .53 The child's case record.
 - .54 The juvenile court, except for voluntary cases.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code/ and 42 USC 675(6).

Renumber Section 30-499 to new Section 31-065:

~~30-499~~

31-065 SPECIAL PROVISIONS

~~30-499~~

31-065

- .1 The regulations in this chapter shall not be interpreted as interfering with the right of hearing participants to petition the court as otherwise specified in law.
- .2 In all activities connected with the administrative review, confidentiality of information shall be assured as specified in Manual of Policies and Procedures Division 19-000.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16503, Welfare and Institutions Code.

Renumber Section 30-196 to new Section 31-070 and amend to read:

~~30-196~~
31-070 STAFF REQUIREMENTS

~~30-196~~
31-070

.1 County staff who provide emergency response and family maintenance services
~~Emergency response staff~~ shall meet the following qualifications:

.11 At least 50 percent of the professional staff providing emergency response services, and 100 percent of the supervisors of such staff and at least 50 percent of the professional staff providing family maintenance services, shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.12 One hundred (100) percent of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.123 Remaining emergency response and family maintenance services professional staff shall be at the Social Worker III level possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.

.2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.

.1321 If the county welfare department is unable to meet the requirements specified in Sections 31-070.11, and .12, and .13, above, at the beginning of each program year it shall document the reason(s) for such inability in a written statement to the department, and shall submit to the department for approval a plan for obtaining compliance, the county shall:

.211 Document the reason(s) for such inability in a written statement to the Department.

.212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.

.131 (a) Upon plan approval, the department shall have the authority to defer the requirements specified in Sections 31-070.11, and .12, above .13, and .2 for a period up to three years.

.22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.

.221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

Renumber Section 30-198 to new Section 31-075; Sections 30-276.17 et seq. to new Section 31-075.3(n) (6); Sections 30-376.165 et seq. to new Sections 31-075.3(h) (1) and (2); Sections 30-376.166 through .168 to new Section 31-075.3(i); Sections 30-376.16, .161, .162, and .163 to new Section 31-075.3(m); Section 30-376.164 to new Section 31-075.3(n); Sections 30-376.17 through .174 to new Sections 31-075.3(o) (2) and (3); Sections 30-376.175 and .176 to new Sections 31-075.3(o) (7) and (8), respectively, and amend to read:

~~30-198~~

31-075 CASE RECORDS

~~30-198~~

31-075

.1 The county ~~welfare department~~ shall develop and maintain a current case record for each request or referral ~~for which emergency response services are to be continued~~ that requires child welfare services beyond the ~~initial evaluation~~ emergency response protocol specified in Section ~~30-134~~ 31-105. ~~Such case record shall contain at least the following information:~~

.2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

HANDBOOK BEGINS HERE

.21 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

HANDBOOK ENDS HERE

.3 Each case record shall contain at least the following information:

~~111~~ (a) A face sheet with identification information regarding the child; family; and ~~temporary~~ placement services provider, if any.

~~112~~ (b) Documentation of all contacts with the child, family, or other individuals regarding the child or family.

~~113~~ ~~The assessment specified in Section 30-142.~~

(c) Documentation of the appropriateness of sibling contact and, if appropriate, a schedule of planned sibling contacts and visits with the child.

(d) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.

~~114~~ (e) ~~The service~~ All case plans and case plan updates specified in Section 30-144.

(1) Documentation of the date a copy of the case plan/case plan update was provided to the parent(s)/guardian(s).

1141 There shall be a readily identifiable service plan in the case record which includes information for each child and the service plan shall include the following information:

(a) The child welfare services to be provided while the child remains in the Emergency Response Program;

(b) A determination regarding the recommended transfer of the case to another child welfare services program, or case closure;

HANDBOOK BEGINS HERE

(c) For children receiving AFDC/FC funding, also refer to Section 43-101.11

HANDBOOK ENDS HERE

115 Copies of the following:

1151 (f) Any data or documents, relating to the child or family, which have been received or sent by the county welfare department.

1152 (g) Any services application documents that support how the case is reported pursuant to Sections 31-082 through 31-090.

1153 (h) Any For children in out-of-home care, all available medical or dental health and education reports regarding the child, including reports indicating possible child abuse, but not limited to, dated documentation of the following:

30+376

1155 Medical and dental reports including, but not limited to, dated documentation of the following:

(a1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.

(a2) Offering of medical/dental transportation and scheduling assistance.

(c) Acceptance or refusal of the CHDP services specified in Section 30+376/1155(a)1/

1156 (i) Any written modifications or prohibitions to the foster parent's privilege to give legal consent for the child, if applicable.

1167 Any written parent/guardian consents required by the regulations in this chapter.

1758 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

30+198

1754 (j) Any written parent/guardian consents required by the Division 31 regulations in this chapter.

1755 (k) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.

1756 (l) For children who have been assessed as being seriously emotionally disturbed, any available the individualized education program designed for the child, if available.

30+376

176 Copies of the following:

1761 Any data or documents, relating to the child and/or his/her family, which have been received or sent by the county welfare department.

1762 Any services application and eligibility determination documents.

1763 (m) Any information release(s) signed by the parent(s)/guardian(s) and/or child.

1764 (n) Any Administrative review report recommendations.

30+198

176 (o) When appropriate, the following forms or equivalent forms which have been approved by the Department:

1761 (1) Court order to county welfare department to detain and/or to place child.

30+376

177 When appropriate, the following forms, or equivalent forms which have been approved by the department:

1771 (2) Foster Child's Data Record (FCIS).

1772 Court order to county welfare department to place child.

1773 Placement Agreement, Parent/Agency.

1774 (3) Placement Agreement, Child/Agency.

30+198

1762 (4) Placement Agreement, Parent/Agency.

1763 (5) Agency/Emergency Shelter Care Provider Agreement.

30+276

117 When appropriate/ the following forms or equivalent forms which have been approved by the department/

1171 (6) Court order to county welfare department relating to the provision of family maintenance child welfare services to the child and/or family.

1172 Placement Agreement/ Parent/Agency/

1173 Agency/Emergency Shelter Care Provider Agreement/

30+376

1175 (7) Agency-Foster Parent Agreement.

1176 (8) Agency-Group Home Agreement.

30+198

117 (p) Documentation of the reason(s) for the following, when applicable:

1171 (1) The child's transfer to another temporary placement location.

1172 The child's out-of-county placement/

1173 The child's placement in a group home/

1174 The social worker's recommendation which shall be approved by the social worker's supervisor for the child's transfer to another child welfare services program/

30+376

118 Documentation of reason(s) for the following/ when appropriate/

1181 The child's transfer to another facility/

1182 (2) The child's out-of-county or out-of-state placement.

1183 (3) The child's placement in a family home which has been certified pending licensure, including documentation that the requirements specified in Sections 30+338/2 31-445 through 125 have been met.

1184 (4) The child's placement in a group home, including the following:

(aA) A statement of the specific problem(s) needs of the child which cannot be resolved while met if the child resides outside the facility in a less restrictive environment.

(bB) A description of the types and modalities of treatment program(s) offered and delivered to the child.

1185 The child's transfer to the permanent placement program/

30-198

118 (g)

Documentation of any information provided to the ~~temporary~~ placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior. ~~including the following~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~10553~~ 16501, Welfare and Institutions Code and 45 CFR 1356.21(d).

Adopt new Section 31-082 to read:

31-082 CRITERIA FOR IDENTIFYING CHILD WELFARE SERVICES CASES FOR
PURPOSES OF CASELOAD REPORTING

31-082

- .1 When identifying child welfare services cases for purposes of caseload reporting, the county shall identify cases as receiving emergency response, family maintenance, family reunification, or permanent placement services based on the criteria specified in Sections 31-084 through 31-090.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10852, 10853, and 16512, Welfare and Institutions Code and 42 CFR 1356.60.

Adopt new Section 31-084; renumber Sections 30-172.13 et seq. and 30-176.11 to new Sections 31-084.421 and .42, respectively, and amend to read:

31-084 IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES 31-084

1. The county shall report a referral as an emergency response referral when the referral alleges child abuse, neglect, or exploitation as defined in Penal Code Section 11165 et seq.

.11 The effective date for reporting an emergency response referral shall be the date the referral is received by the county.

.2 The county shall report an emergency response referral as an emergency response assessment case when the social worker determines based upon the completed emergency response protocol that an in-person investigation is not required.

.21 The effective date for reporting an emergency response assessment case shall be the date that the emergency response protocol is completed in accordance with Section 31-105.21.

.3 The county shall report an emergency response referral as an emergency response in-person investigation case when the social worker completes the in-person investigation and no further child welfare services are provided.

.31 The effective date for reporting an emergency response in-person investigation shall be the date the social worker's supervisor approves case closure.

.4 The county shall report an emergency response referral as an emergency response services case disposition under any one of the following circumstances:

.41 The social worker has completed an in-person investigation and has provided emergency response services beyond the in-person investigation, but services beyond emergency response services are not provided.

.411 The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor approves case closure.

30-176 .1142 A petition for detention and/or jurisdiction has been filed/ the parent(s)/guardian(s) has not consented to a program of supervision of the child as specified in Section 30-172.13.

HANDBOOK BEGINS HERE

1111 WELFARE AND INVESTIGATION CODES SPECIFIED AS FOLLOWS:

At the court dispositional hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family maintenance, family reunification, or permanent placement services be provided.

.44

(a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.

.432 The social worker's supervisor has approved the case plan recommending family maintenance, family reunification, or permanent placement services.

.431 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance, family reunification, or permanent placement services.

.43 Prior to the court dispositional hearing only if all of the following criteria are met:

.43

.172421 The latest effective date under which a response services case disposition shall be the date of the hearing at which the petition is dismissed and family maintenance services are provided.

EXAMPLES HERE

AY The dispositional hearing for a case plan recommending family maintenance, family reunification, or permanent placement services shall be the date of the hearing at which the petition is dismissed and family maintenance services are provided.

1721 This statute applies in determining date of filing.

EXAMPLES HERE

AY The dispositional hearing for a case plan recommending family maintenance, family reunification, or permanent placement services shall be the date of the hearing at which the petition is dismissed and family maintenance services are provided.

1721 1721

EXAMPLES HERE

AY The dispositional hearing for a case plan recommending family maintenance, family reunification, or permanent placement services shall be the date of the hearing at which the petition is dismissed and family maintenance services are provided.

.441 The effective date for reporting an emergency response services case disposition shall be the date of the dispositional hearing at which family maintenance, family reunification, or permanent placement services are ordered.

.45 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; and the family is voluntarily accepting family maintenance or family reunification services; and all of the following criteria have been met:

.451 The social worker has completed a case plan recommending voluntary family maintenance or voluntary family reunification services.

.452 The parent(s)/guardian(s) has reviewed and signed the case plan.

.453 The social worker's supervisor has approved the case plan recommending voluntary family maintenance or voluntary family reunification services.

(a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.

.5 The county shall not report an in-person investigation or an emergency response services case disposition on a referral of a child for whom there is an open case unless one of the following circumstances exist:

.51 A social worker skilled in emergency response, other than the social worker assigned to the open case, conducts an in-person investigation as a result of the referral.

.52 The social worker skilled in emergency response files a petition for detention and/or jurisdiction, as a result of the in-person investigation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16208, and 16512, Welfare and Institutions Code.

Renumber Sections 30-172 and 30-264 to new Section 31-086 and amend to read:

30-172 CASE TRANSFER TO FAMILY MAINTENANCE PROGRAM
30-264 CASE TERMINATION
31-086 IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES
30-172 31-086

1. THE CHILD'S CASE SHALL BE TRANSFERRED TO THE FAMILY MAINTENANCE PROGRAM WHEN ANY OF THE FOLLOWING CIRCUMSTANCES:
RECEIVING FAMILY MAINTENANCE SERVICES UNDER ANY ONE OF THE FOLLOWING

11. Prior to the court dispositional hearing only if all of the following criteria are met:

.111 The child is receiving emergency response services.

.112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance services.

.113 The social worker's supervisor has approved the case plan recommending family maintenance services.

(a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.

.112 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under welfare and institutions Code Section 300, and the court has ordered that family maintenance services be provided.

.1121 The transfer effective date shall be the date of reporting a family maintenance services case shall be the date of the hearing at which family maintenance services are ordered.

.123 The child has the potential to be declared a dependent of the court under welfare and institutions Code Section 300; and the family is willing to accept voluntarily accepting family maintenance services; and the child is willing to accept all of the following criteria have been met:

.131 The social worker has completed a case plan recommending voluntary family maintenance services.

.132 The parent(s)/guardian(s) has reviewed and signed the case plan.

.133 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.

1121 (a) The transfer of effective date under such circumstances for reporting a family maintenance services case shall be the date on which the emergency response social worker's supervisor approves signs the Emergency Response Program service completed case plan recommending transfer of the child's case to the FM program.

12 All of the requirements specified in Section 30-170 shall be met.

30-264

.12 The county shall no longer report a case as receiving family maintenance services provided to a child of family when the child has been adjudicated as a dependent of the court shall terminate under either any one of the following circumstances:

.121 The court dismisses the dependency.

.211 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the dependency is dismissed.

.22 The court has ordered that family reunification services or permanent placement services be provided.

.221 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the services are ordered.

.123 The court declares the child is emancipated.

.231 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declared the child emancipated.

.24 The child reaches age 18.

.25 The statutory time limit allowed under Welfare and Institutions Code Section 16506 has expired.

.251 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:

(a) If family maintenance services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan recommending family maintenance services.

(b) If family maintenance services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing or status review hearing at which family maintenance services were ordered.

.26 The whereabouts of the child and/or family are unknown.

.261 The effective date of closure of the family maintenance services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.

.27 The child dies.

.271 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

.23 The county shall no longer report a case as receiving family maintenance services provided to a when the child is a nondependent child receiving services voluntarily, or provided to the family of such child, shall terminate under any one of the following circumstances:

.231 The service case plan objectives are achieved and/or the child is no longer endangered.

.311 The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor approves case closure.

.232 The maximum length of time agreed upon in the service case plan or allowed under Welfare and Institutions Code Section 16506, whichever occurs first, expires.

1221 If the child continues to be endangered when the maximum period of service expires, the social worker shall petition the court to declare the child a dependent, and shall recommend that the child be removed from the home.

.33 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:

.331 The social worker has completed a case plan recommending voluntary family reunification services.

.332 The parent(s)/guardian(s) has reviewed and signed the case plan.

.333 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.

(a) The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor signs the case plan.

- .34 The child is receiving family maintenance services voluntarily and the court orders family reunification services.
- .341 The effective date of closure of the family maintenance services case shall be the date of the court hearing at which family reunification services were ordered.
- .735 The parent(s)/guardian(s) requests termination of family maintenance services.
- .351 The effective date of closure of the family maintenance services case shall be the date the parent(s)/guardian(s) requests termination of the services.
- .36 The court declares the child is emancipated.
- .361 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declares the child is emancipated.
- .37 The child reaches age 18.
- .38 The whereabouts of the child and/or family are unknown.
- .381 The effective date of closure of the family maintenance services case shall be the earlier of the following dates:
- (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
- (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.
- .39 The child dies.
- .391 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

~~10/172~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16501/16, and 16512, Welfare and Institutions Code.

Renumber Sections 30-354 and 30-356 to new Section 31-088 and amend to read:

30-354	CASE TRANSFER TO THE FAMILY REUNIFICATION PROGRAM	30-354
30-356	CASE TERMINATION	30-356
31-088	<u>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES</u>	31-088

~~30-354~~

.1 ~~The child's case shall be transferred to the Family Maintenance Program~~ The county shall report a case as receiving family reunification services under any one of the following circumstances:

.11 Prior to the court dispositional hearing only if all of the following criteria are met:

.111 The child is receiving emergency response or voluntary family maintenance services.

.112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family reunification services.

.113 The social worker's supervisor has approved the case plan recommending family reunification services.

(a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.

.112 ~~The~~ At the court dispositional hearing or at a status review hearing for a child who has been ~~adjudicated~~ declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family ~~maintenance~~ reunification services be provided.

.121 ~~The transfer~~ effective date under such circumstances for reporting a family reunification services case shall be the date of the hearing at which family ~~maintenance~~ reunification services are ordered.

.13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:

.131 The social worker has completed a case plan recommending voluntary family reunification services.

.132 The parent(s)/guardian(s) has reviewed and signed the case plan.

.133 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.

- (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.

30/336

.12 The county shall no longer report a case as receiving family reunification services ~~shall terminate~~ when the child is a dependent of the court under any one of the following circumstances:

.121 The court dismisses the dependency ~~is dismissed~~.

.211 The effective date of closure of the family reunification services case shall be the date of the hearing at which the dependency is dismissed.

.22 The court has ordered that family maintenance or permanent placement services be provided.

.221 The effective date of closure of the family reunification services case shall be the date of the hearing at which the services are ordered.

.1223 The court declares the child is emancipated.

.231 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declared the child emancipated.

.24 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.

.25 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.

.251 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:

(a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.

(b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

.26 The whereabouts of the child and/or family are unknown.

.261 The effective date of closure of the family reunification services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.

.27 The child dies.

.271 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

.3 The county shall no longer report a case as receiving family reunification services when a nondependent child is receiving services voluntarily, or when services are provided to the family of such child, under any one of the following circumstances:

.31 The case plan objectives are achieved and/or the child is no longer endangered.

.311 The effective date of closure of the family reunification services case shall be the date the social worker's supervisor approves case closure.

.32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16507, whichever occurs first, expires.

.33 The family withdraws the child from voluntary placement.

.331 The effective date of closure of the family reunification services case shall be the date the parent(s)/guardian(s) requests termination of family reunification services.

707384

.7234 The child has the potential to be ~~adjudicated~~ declared a dependent of the court under Welfare and Institutions Code Section 300/; ~~and~~ the family is ~~willing to accept~~ voluntarily accepting family maintenance services; and ~~participate in corrective efforts to ensure that the child's protective needs are met~~ all of the following criteria have been met:

.341 The social worker has completed a case plan recommending voluntary family maintenance services.

.342 The parent(s)/guardian(s) has reviewed and signed the case plan.

.343 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.

- 1121 (a) The transfer effective date under such circumstances of closure of the family reunification services case shall be the date the family reunification social worker's supervisor approves signs the family reunification program service case plan recommending transfer of the child's case to the family maintenance program.
- 113 The child has returned to the parent/sy/guardian/sy home on a trial visit which has lasted 60 days/
- 1131 The transfer date under such circumstances shall be the 60th day of the trial visit/ by which time the family reunification social worker/s supervisor shall have approved the recommendation to transfer the case to the family maintenance program as specified in section 307334/3/
- 12 The reason/sy for the recommendation to transfer the case shall be documented in the case record/
- 13 The recommendation for case transfer shall have dated/ written approval of the family reunification social worker/s supervisor/
- .35 The court declares the child is emancipated.
- .351 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declares the child is emancipated.
- .36 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .37 The whereabouts of the child and/or family are unknown.
- .371 The effective date of closure of the family reunification services case shall be the earlier of the following dates:
- (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
- (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.
- .38 The child dies.
- .381 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

307334

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10852, 10853, 16501/1/3/7, and 16501/2, Welfare and Institutions Code.

Renumber Sections 30-355, 30-454, and 30-456 to new Section 31-090 and amend to read:

30+355	CASE TRANSFER TO THE PERMANENT PLACEMENT PROGRAM	30+355
30+454	CASE TRANSFER TO THE FAMILY MAINTENANCE PROGRAM	30+454
30+456	CASE TERMINATION	30+456
31-090	<u>IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES</u>	31-090

30+355

.1 ~~THE CHILD'S CASE SHALL BE TRANSFERRED TO THE~~ The county shall report a case as receiving permanent placement services program under any one of the following circumstances:

.11 Prior to the court dispositional hearing only if all of the following criteria are met:

.111 The child is receiving emergency response services.

.112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending permanent placement services.

.113 The social worker's supervisor has approved the case plan recommending permanent placement services.

(a) The effective date for reporting a permanent placement services case shall be the date the social worker's supervisor signs the case plan.

.12 At the court hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300 and the court has ordered permanent placement services be provided, or the court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.

.121 The transfer effective date under each of the circumstances specified in sections 355+11 through 113 for reporting a permanent placement services case shall be the date of the hearing at which permanent placement services are ordered, or family reunification services are terminated and a dependency is not dismissed.

13 ~~When a recommendation is made that a case be transferred to the permanent placement program, the social worker shall give the parent(s)/guardian(s) written notice explaining the reason(s) for the recommendation to terminate family reunification services and the case.~~

131 ~~The county shall be permitted to use a copy of the court report for purposes of notifying the parent(s)/guardian(s), if appropriate.~~

.113 The statutory time limit of 12 to 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired from the original dispositional hearing at which the child was removed from the custody of his/her parents.

.131 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:

(a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.

(b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

.112 Family reunification efforts have been unsuccessful.

.134 The case is a guardianship case requiring an open service case plan in order for the nonrelated legal guardians of minors to maintain eligibility for AFDC-FC payments pursuant to Welfare and Institutions Code Section 11405.

.141 The effective date for reporting a permanent placement services case shall be the date the legal guardian is eligible to receive AFDC-FC payments.

.2 The county shall no longer report a case as receiving permanent placement services under any one of the following circumstances:

.21 The court has ordered that family maintenance or family reunification services be provided.

307434

.11 The child's case shall be transferred to the Family Maintenance Program under either one of the following circumstances:

.111 When the court orders that the child is to be returned home and that family maintenance services are to be provided.

.1211 The transfer effective date under such circumstances of closure of the permanent placement services case shall be the date of the hearing at which family maintenance or family reunification services are ordered.

.112 The child has returned to the parent(s)/guardian(s) home on a trial visit which has lasted 90 days.

1121 The transfer date under such circumstances shall be the sixth day of the trial visit/ by which time the permanent placement social worker's supervisor shall have approved the recommendation to transfer the case to the Family Maintenance Program/

30438

11 Permanent placement services shall terminate under any of the following circumstances/

.1122 The child is placed in an adoptive home and court dismisses the dependency is dismissed.

1111 The case shall remain under county welfare department supervision until dependency dismissal and placement of the child in an adoptive home/

.221 The effective date of closure of the permanent placement services case shall be the date of the hearing at which the dependency is dismissed.

.123 A guardian is appointed for the child and AFDC-FC is discontinued.

.231 The effective date of closure of the permanent placement services case shall be the date AFDC-FC is discontinued.

.124 The court declares the child is emancipated or is no longer eligible for AFDC-FC/ whichever occurs last.

.241 The effective date of closure of the permanent placement services cases shall be the date of the hearing at which the court declared the child emancipated.

.25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.

.26 The whereabouts of the child are unknown.

.261 The effective date of closure of the permanent placement services case shall be no later than six months from the date the county informs the court that the whereabouts of the child are unknown.

.27 The child dies.

.271 The effective date of closure of the permanent placement services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

30438

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 366.25, 366.26, 10852, 10853, 16501/27, 16508, and 16501/312, Welfare and Institutions Code.

30434

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code/

Reference: Sections 10501/10Y and 10501/31 Welfare and Institutions Code/

Adopt new Chapter 31-100; renumber Section 30-132 to new Section 31-101, Section 30-132.7 to new Section 31-101.41, and Sections 30-144.1 and .11 to new Sections 31-101.5 et seq. and amend to read:

CHAPTER 31-100 INTAKE

30+132

30+132

31-101 RESPONSE TO REQUESTS AND REFERRALS GENERAL

31-101

- .1 The county welfare department shall respond to all referrals for service which allege that a child is endangered by abuse, neglect, or exploitation. The following:
 - .11 All law enforcement referrals.
 - .12 Any other referrals for service which allege that a child is endangered by abuse, neglect, or exploitation.
- .2 The social worker responding to a referral shall be skilled in emergency response.
- .3 The social worker shall respond to a referral by one of the following methods:
 - .31 Completing an Emergency Response Protocol, as described in Section 31-105.
 - .32 Conducting an in-person immediate investigation, as described in Section 31-115.
 - .33 Conducting an in-person investigation initiated within 10 calendar days from the date the referral was received, as described in Section 31-120.
- .4 The social worker shall conduct an in-person investigation of all referrals received from a law enforcement agency which allege abuse, neglect, or exploitation.
 - .741 No response is required to a cross-report from a law enforcement agency if the law enforcement agency has investigated and determined that there is no indication of abuse or neglect by a member of the child's household.

30+144

- .75 A service plan shall be developed based upon the assessment, and services shall be developed and initiated pursuant to the plan, within 21-calendar days of the initial response. Within 30 calendar days of the initial removal of the child or the in-person investigation, or by the date of the jurisdictional hearing, whichever comes first, the social worker shall:

171 The date on which the Emergency Response program social worker has had the first in-person/ face-to-face contact with the child alleged to be abused/ neglected/ or exploited is the initial response date/

.51 Determine whether child welfare services are necessary and:

.511 If child welfare services are necessary, complete a case plan and begin implementation of the case plan in accordance with the time frames and schedules specified in Chapter 31-200.

.512 If child welfare services are unnecessary, close the referral/case, as appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, ~~and~~ 16501(f), 16501.1, and 16504, Welfare and Institutions Code.

Adopt new Section 31-105; renumber Sections 30-132.2 et seq. to new Sections 31-105.1 and Sections 30-132.3, .32, and .33 et seq. to new Sections 31-105.2, .21 and .22 et seq. and amend to read:

31-105 EMERGENCY RESPONSE PROTOCOL

31-105

~~30-132~~

.21 The social worker shall immediately initiate and complete the Emergency Response Protocol process when it is necessary to determine whether an in-person investigation is required. The social worker shall record all available and appropriate information on the Emergency Response Protocol form, SOC 423 (10/92), or an approved substitute. The social worker is not required to initiate the Emergency Response Protocol when the social worker has already determined an in-person investigation is required (i.e., law enforcement referrals, obvious immediate danger referrals).

.211 In order to be approved as a substitute for the Emergency Response Protocol form, the substitute shall at a minimum contain all of the following elements:

.2111 The following identifying information:

(a) Information regarding the child alleged to be abused, neglected, or exploited, which shall include:

- (1) Information specified in Section ~~30-132/231-~~105.111(f),
- (2) Case name, and
- (3) Case number.

(b) Information regarding the referral, which shall include:

- (1) Time and date referral received, and
- (2) Location of alleged incident.

(c) Information regarding the reporter, which shall include:

- (1) Name,
- (2) Relationship to child,
- (3) Agency affiliation, if a mandated reporter,
- (4) Address, and
- (5) Phone number (home/work).

(d) Information regarding each adult in the household, which shall include:

- (1) Name,
 - (2) Relationship to child,
 - (3) Birthdate,
 - (4) Ethnicity,
 - (5) Primary language, if non-English speaking,
 - (6) Current location, and
 - (7) Phone number(s).
- (e) Information regarding the alleged perpetrator, which shall include:
- (1) Elements specified in Sections ~~70/172/231-~~
105.111(d)(1) through (7), and
 - (2) Access to the child.
- (f) Information regarding each minor child in the family, which shall include:
- (1) Name,
 - (2) Birthdate,
 - (3) Sex,
 - (4) Ethnicity,
 - (5) Primary language, if non-English speaking,
 - (6) Current location,
 - (7) Name and address of school/daycare, if applicable, and
 - (8) Name, current location and phone number of each absent parent.

.7112 A description of the alleged incident, including consideration of the following risk factors:

- (a) Precipitating incident including the following:
- (1) Severity and frequency;
 - (2) Location and description of injury on child's body; and
 - (3) History of child abuse, neglect, or exploitation.

- (b) Child characteristics including the following:
 - (1) Age, vulnerability, special circumstances; and
 - (2) Behavior, interaction with caretakers, siblings, and peers.
- (c) Caretaker characteristics including the following:
 - (1) Ability to care for child;
 - (2) Interaction with children, other caretakers;
 - (3) Parenting skill/knowledge; and
 - (4) Substance abuse, criminal behavior, and mental health.
- (d) Family factors including the following:
 - (1) Relationships, support systems;
 - (2) History of abuse, neglect, or exploitation;
 - (3) Presence of parent substitute;
 - (4) Environmental conditions; and
 - (5) Family strengths.

.Z113 Information regarding a records review.

.Z114 Information regarding the collateral contacts, including the following:

- (a) Date of contact,
- (b) Name and phone number of each person contacted,
- (c) Agency affiliation or person's relationship to the child, and
- (d) Summary of information obtained.

.Z115 Decision criteria. The decision whether or not an in-person investigation is necessary shall include, but not be limited to, consideration of the following factors:

- (a) The ability to locate the child alleged to be abused and/or the family.

The Emergency Response Protocol form, or approved substitute, is complete when the social worker has recorded enough information as to whether or not to make an in-person investigation and shall include:

1. The social worker shall complete the Emergency Response Protocol process by determining if an in-person investigation is required.

2. The social worker shall complete the Emergency Response Protocol process by

- (a) Rationale for the decision; and
 - (b) Supervisor approval.
3. When the decision is to evaluate out, either with or without a referral to another community agency, the following information:
- (a) Evaluate out, with no referral to another community agency;
 - (b) Evaluate out, with a referral to an appropriate community agency; or
 - (c) Accept for in-person investigation.
4. The decision whether an in-person investigation is required, including the following outcome options.

- (a) The alleged perpetrator is a caretaker of the child or the caretaker was negligent in allowing, or unable or unwilling to prevent, the perpetrator access to the child.
 - (b) The allegation includes specific acts and/or behavioral indicators which are suggestive of abuse, neglect, or exploitation.
 - (c) There is additional information from collateral contacts or records review which invalidates the reported allegation.
 - (d) There are previously investigated unsubstantiated or unfounded reports from the same reporter with no new allegations or risk factors.
 - (e) The decision whether an in-person investigation is required, including the following outcome options.
 - (f) Evaluate out, with no referral to another community agency;
 - (g) Evaluate out, with a referral to an appropriate community agency; or
 - (h) Accept for in-person investigation.
5. The social worker shall complete the Emergency Response Protocol process by determining if an in-person investigation is required.

The existence of an open case and the problem described in the allegation is being adequately addressed.

- (c) The allegation meets one or more of the definitions of child abuse, exploitation or neglect contained in Sections 31-002(a)(1), 31-002(b), 31-002(c), 31-002(d), 31-002(e), or 31-002(f).
- (d) The alleged perpetrator is a caretaker of the child or the caretaker was negligent in allowing, or unable or unwilling to prevent, the perpetrator access to the child.
- (e) The allegation includes specific acts and/or behavioral indicators which are suggestive of abuse, neglect, or exploitation.
- (f) There is additional information from collateral contacts or records review which invalidates the reported allegation.
- (g) There are previously investigated unsubstantiated or unfounded reports from the same reporter with no new allegations or risk factors.

- (a) Evaluate out, with no referral to another community agency;
- (b) Evaluate out, with a referral to an appropriate community agency; or
- (c) Accept for in-person investigation.

When the decision is to evaluate out, either with or without a referral to another community agency, the following information:

- (a) Rationale for the decision; and
- (b) Supervisor approval.

The social worker shall complete the Emergency Response Protocol process by

1. The social worker shall complete the Emergency Response Protocol process by determining if an in-person investigation is required.

The Emergency Response Protocol form, or approved substitute, is complete when the social worker has recorded enough information as to whether or not to make an in-person investigation and shall include:

1331 .211 The specific decision outcome,

1332 .212 The rationale for evaluating out the referral, and

1333 .213 The supervisor approval.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208 and 16504, Welfare and Institutions Code.

Adopt new Section 31-110; renumber Section 30-132.31 to new Section 31-110.2 and amend to read:

31-110 IN-PERSON INVESTIGATIONS

31-110

- .1 If the social worker determines from the emergency response protocol that an in-person investigation is not necessary, the social worker shall document the determination.

~~30-132~~

- .12 If ~~it is determined~~ the social worker determines that an in-person investigation is not ~~unnecessary~~, but that the services of another community agency are appropriate, the social worker shall refer the reporter to that agency.

- .21 When a referral alleges non-familial child abuse, the social worker shall report the referral to the appropriate law enforcement agency as specified in Section 31-501.1.

- .3 If the social worker determines that an in-person investigation is necessary, the social worker shall make the in-person investigation immediately or within 10 calendar days, as appropriate.

- .4 The social worker shall conduct an in-person investigation for all law enforcement referrals either immediately or within 10 calendar days after receipt of a referral, as appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

Adopt new Section 31-115; renumber Sections 30-132.4 et seq. to new Sections 31-115.1 et seq. and amend to read:

31-115 IN-PERSON IMMEDIATE INVESTIGATION

31-115

~~30-132~~

.41 ~~An in-person response shall be made immediately under either of the following circumstances.~~ The social worker shall conduct an in-person immediate investigation when:

.4211 ~~The referral~~ emergency response protocol indicates the existence of a situation in which it is likely to ~~imminently cause danger to a child,~~ such as physical pain, injury, disability, severe emotional harm or death, to a child is likely.

.412 ~~A~~ The law enforcement agency refers a child who ~~making the referral states that the child is at immediate risk of abuse, neglect or exploitation.~~

.13 The social worker determines that the child referred by a law enforcement agency is at immediate risk of abuse, neglect, or exploitation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

Adopt. new Section 31-120; renumber Section 30-132.6 to new Section 31-120.1 and amend to read:

31-120 IN-PERSON INVESTIGATION WITHIN 10 CALENDAR DAYS

31-120

~~30-132~~

~~.01 All other in-person responses~~ The social worker shall conduct an in-person investigation of the allegation of abuse, neglect, or exploitation ~~be made~~ within ~~ten~~ 10 calendar days after receipt of ~~the~~ a referral and follow the instructions outlined in Sections ~~30-132/31~~ through ~~3131~~ when:

.11 The emergency response protocol indicates that an in-person investigation is appropriate and the social worker has determined that an in-person immediate investigation is not appropriate.

.12 The law enforcement agency making the referral does not state that the child is at immediate risk of abuse, neglect, or exploitation and the social worker determines that an in-person immediate investigation is not appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16208, 16501(f), and 16504, Welfare and Institutions Code.

Renumber Section 30-134 to new Section 31-125 and Sections 30-132.5 et seq. to new Sections 31-125.2 et seq. and amend to read:

30-134

31-125 INITIAL EVALUATION INVESTIGATION REQUIREMENTS

30-134

31-125

.1 The social worker initially responding to investigating a referral shall investigate determine the circumstances and facts to determine the following:

(1) The potential for or the existence of any conditions(s) which places the child, or any other child in the family or household, at risk and in need of services/ and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (e).

HANDBOOK BEGINS HERE

(1) These statutes specify as follows:

(a) Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(1) Who is in need of proper and effective parental care or control and has no parent or guardian/ or has no parent or guardian willing to exercise or capable of exercising such care or control/ or has no control/

(2) Who is destitute/ or who is not provided with the necessities of life/ or who is not provided with a home or suitable place of abode except that no person may be adjudged a dependent child solely due to the lack of an emergency shelter for the family/

(3) Who is physically dangerous to the public because of a mental or physical deficiency/ disorder or abnormality/

(4) Whose home is an unfit place for him/her by reason of neglect/ cruelty/ depravity/ or physical abuse of either of his/her parents/ or of his/her guardian or other person in whose custody or care he/she is/

(5) Who is under the age of three and whose home is an unfit place for him/her as a result of severe physical abuse of the minor by a parent/ or by any person known by the parent/ if the parent knew or reasonably should have known that that person was physically abusing the minor/

10) It is the intention of the Legislature///that courts///shall not focus upon the fact that a parent has a physical disability///a court's determination should center upon whether a parent's disability prevents him or her from exercising care and control/

HANDBOOK ENDS HERE

112 The services which would best serve and protect the interest and welfare of the child/teen/

.11 The social worker shall not determine the child to be at risk and in need of services, or to be a person described by Welfare and Institutions Code Section 300(a) through (j) based solely on the existence of any of the following conditions described in Welfare and Institutions Code Sections 300(a) through (c):

.111 "...reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury,"

.112 "...lack of an emergency shelter for the family," or

.113 "...the willful failure of the parent or guardian to provide adequate mental health treatment...based on a sincerely held religious belief."

.12 The social worker shall not determine the child to be in need of child welfare services based solely on the existence of the conditions specified in Welfare and Institutions Code Sections 16509, 16509.1 and 16509.2.

HANDBOOK BEGINS HERE

12 Welfare and Institutions Code Sections 16509 and 16509.2 specify as follows/

.121 Welfare and Institutions Code Section 16509 states:

Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

.122 Welfare and Institutions Code Section 16509.1 states:

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

.1273 Welfare and Institutions Code Section 16509.2 states:

The physical or mental incapacity, or both, in itself, of a parent or a child, shall not result in a presumption of need for child welfare services.

HANDBOOK ENDS HERE

.2 The social worker investigating the referral shall have in-person contact with all of the children alleged to be abused, neglected or exploited, and at least one adult who has information regarding the allegations.

.21 If as a result of the investigation the social worker determines that the referral is unfounded pursuant to Penal Code Section 11165.12, the social worker shall document the determination in the case record.

.22 If as a result of the investigation the social worker does not find the referral to be unfounded, the social worker shall:

.221 Conduct an in-person investigation with:

(a) All children present at the time of the initial in-person investigation.

(b) All parents who have access to the child(ren) alleged to be at risk of abuse, neglect or exploitation.

10/132

13 Upon the county's receipt of a referral that is assessed to require an immediate in-person response, a social worker skilled in emergency response shall have immediate in-person contact with all children and available parent(s)/guardian(s) in situations requiring immediate response.

131 If all of the following circumstances exist and are documented in the Emergency Response/ In-Person Response case, the decision to contact any additional children in the family who are not present at the time of the initial response shall be at the discretion of the county:

1311 The county emergency response social worker has had in-person contact with the child(ren) alleged to be abused/ neglected/ or exploited and all other children present at the time of the social worker's initial response.

1312 The county emergency response social worker has had in-person contact with the parent(s)/guardian(s) available at the time of the initial response.

1313 .222 The county social worker has made the Make necessary collateral contacts with persons having knowledge of the condition of the children.

- .23 If as a result of the investigation the social worker has determined the referral is not unfounded, and has completed the requirements in Section 31-125.22 and documented the results in the case record, the decision whether to conduct an in-person investigation with any additional children who were not present at the initial in-person investigation shall be at the discretion of the county.

30-134

- .33 If as a result of the investigation it is determined that neither child welfare services or the services of nor a referral to any other community agency are is unnecessary, the social worker shall document this determination.

131 The record retention requirements specified in Welfare and Institutions Code Section 10831 shall be met with regard to such referral information.

- 13 If it is determined that child welfare services are necessary, the social worker shall immediately, or as soon as practically possible, provide or arrange for such services in accordance with the provisions of this chapter.

131 If the provision of services includes temporary placement of the child, and a determination has been made that the minor would be endangered or his/her custody disturbed by the disclosure to the parent(s)/guardian(s) of the minor's exact whereabouts, the social worker shall comply with the provisions in Section 30-134.121.

- .4 If as a result of the investigation it is determined that child welfare services are unnecessary, but that the services of another community agency are appropriate, the social worker shall refer the child and/or family to such agency and shall document the determination and referral(s).

141 The record retention requirements specified in Welfare and Institutions Code Section 10831 shall be met with regard to such referral documentation.

- .5 If as a result of the investigation the social worker determines services are necessary, the social worker shall:

.51 Perform the requirements specified in Chapter 31-200.

.511 If a dependency petition is to be filed and it is determined that the child is or may be an Indian child, the social worker shall follow the procedures in Section 31-515.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10831 and 300, 16504, 16509, and 16509.1, Welfare and Institutions Code; Section 11165.12, Penal Code; and 25 USCA Section 1901 et seq.

Adopt new Section 31-130; renumber Sections 30-132.8 et seq. to new Sections 31-130.1 et seq., Sections 30-132.9 et seq. to new Section 31-130.121, and Sections 30-192.2 et seq. to new Sections 31-130.2 et seq. and amend to read:

31-130 LAW ENFORCEMENT ASSISTANCE

31-130

30-132

.81 Emergency response staff The social worker shall request law enforcement assistance under either of the following circumstances:

.811 The physical safety of family members or county welfare department staff is endangered.

.812 A child must be placed in temporary custody and the county welfare department social worker is not deputized as a peace officer or authorized by Welfare and Institutions Code Section 306(b) to perform such an act take temporary custody.

.9121 Emergency response staff The social worker may take a child into temporary custody without the assistance of law enforcement whenever authorized to do so under Welfare and Institutions Code Section 306.

191 Welfare and Institutions Code Section 306 specifies in pertinent part as follows:

1911 Any social worker in a county welfare department/ while acting within the scope of his or her regular duties under the direction of the probation department or juvenile court and pursuant to Section 272/ may do all of the following:

(a) Take into temporary custody and maintain temporary custody of/ without a warrant/ a minor who has been declared a dependent child of the juvenile court under Section 300/ and is in need of care/

(b) Take into temporary custody and maintain temporary custody of a minor without a warrant/ when the social worker has reasonable cause to believe that the minor is a person who is described in subdivision (a) or (b) of Section 300/

30-192

.2 Law enforcement assistance shall be used as an aid to emergency response services/ and not as a substitute for any of the following:

.21 Response to requests or referrals/ as specified in Section 30-132/

.221 Performance of the initial evaluation Completion of the emergency response protocol as specified in Section 30-134 31-105.

.232 Completion Performance of the assessment in-person investigation specified in Section 30-142 31-110.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 306, 10553, and 10554, Welfare and Institutions Code.

Renumber Section 30-154 to new Section 31-135, Section 30-162.3 to new Section 31-135.3, Sections 30-162.4 et seq. to new Sections 31-135.4 et seq. and amend to read:

~~30-154~~ TEMPORARY PLACEMENT SERVICES
~~31-135~~ AUTHORITY FOR REMOVAL OF CHILD

~~30-154~~
~~31-135~~

- .1 When the social worker determines that the child cannot be safely maintained in his/her own home, the social worker shall ensure that authority to remove the child exists prior to removal.
- .11 If removal is voluntary, such authority shall be a written parent/guardian consent of the parent/guardian.
- .12 If removal is involuntary, such authority shall be temporary custody as specified in Welfare and Institutions Code Sections 305 and 306, or a court order.
- .121 If a determination has been made in accordance with Welfare and Institutions Code Section 308 that the minor would be endangered or his/her custody would be disturbed by the disclosure to the parent(s)/guardian(s) of the minor's exact whereabouts, the social worker shall notify immediately the parent(s)/guardian(s) either in person or by telephone of his/ ~~and/or~~ her right to apply ~~to the court for a~~ for judicial review of that determination within 24 hours ~~by the court of that determination~~.
- (a) If the social worker fails to notify the parent(s)/guardian(s) as specified in Section ~~30-154/121~~ 31-135.121, the social worker shall document in the case record the reason(s) for failure to do so.

HANDBOOK BEGINS HERE

(b) Welfare and Institutions Code Section 308 specifies in pertinent part as follows:

- (1) When an officer takes a minor before a probation officer pursuant to this article, he or she shall take immediate steps to notify the minor's parent/ guardian/ or a responsible relative that the minor is in custody and the place where he or she is being held, except that, upon order of the juvenile court, the parents shall not be notified of the exact whereabouts of the minor. The court shall issue such an order only upon a showing that notifying the parents of the exact whereabouts would endanger the child or that the parents are likely to flee with the child. However, if it is impossible or impracticable to obtain a court order authorizing nondisclosure prior to the detention hearing, and if

the officer has a reasonable belief that the minor would be endangered by the disclosure of his or her exact whereabouts/ or that the disclosure would cause the custody of the minor to be disturbed/ the officer may refuse to disclose the place where the minor is being held/ The court shall review any such decision not to disclose the place where the minor is being held at the detention hearing/ and shall conduct that review within 24 hours upon the application of a parent/ guardian/ or a responsible relative/

HANDBOOK ENDS HERE

.2 The social worker shall document in the case record any preplacement preventive efforts made or services provided.

.21 ~~Where~~ If first contact with the family occurs during an emergency situation in which the child ~~could~~ cannot safely remain in the home, even with reasonable services being provided, the social worker shall document those circumstances in the case record.

.22 ~~Where~~ If the child has been removed due to the absence of the parent(s), for one of the reasons stated in Welfare and Institutions Code Section 361(b)(5), the social worker shall document those circumstances in the case record.

HANDBOOK BEGINS HERE

1221 Welfare and Institutions Code Section 361(b)(5) specifies as follows/

(a) The minor has been left without any provisions for his/her support/ or a parent who has been incarcerated or institutionalized cannot arrange for the care of the minor/ or a relative or other adult custodian with whom the child has been left by the parent is unwilling or unable to provide care or support for the child and the whereabouts of the parent is unknown and reasonable efforts to locate him or her have been unsuccessful/

HANDBOOK ENDS HERE

30+182

.3 If the child is in temporary custody out-of-home placement following a voluntary removal, and the social worker determines that continued detention out-of-home placement is necessary for the child's protection, the county welfare department shall implement a voluntary placement agreement as specified in Section 30+184/41 31-430.31.

.4 If the child is in temporary custody following an involuntary removal, and the social worker determines that continued detention is necessary for the child's protection, the social worker shall take the following action:

- .41 File Aa petition for detention of and jurisdiction over the child shall be filed within 48 hours/ excluding nonjudicial days/ of the child's removal from his/her home, excluding nonjudicial days.

HANDBOOK BEGINS HERE

- .411 Welfare and Institutions Code Sections 311(a) and 319 specify in pertinent part as follows: Juvenile court procedures regarding detention of minors and filing petitions are described in Welfare and Institutions Code Sections 311(a), 319, and 332.

(a) The probation officer or social worker shall notify each parent or each guardian of the minor of the time and place of the hearing if the whereabouts of each parent or guardian can be ascertained by due diligence, and the probation officer or social worker shall serve those persons entitled to notice of the hearing under the provisions of Welfare and Institutions Code Section 333 with a copy of the petition and notify these persons of the time and place of the detention hearing. This notice may be given orally and shall be given in this manner if it appears that the parent does not read.

(b) The probation officer or social worker shall report to the court on the reasons why the minor has been removed from the parents' custody, the need, if any, for continued detention, and on the available services and the referral methods to be used which would facilitate the return of the minor to the custody of the minor's parents or guardians. The court shall also make a determination as to whether reasonable services have been provided to prevent the need for removal of the child. Where during an emergency situation in which the child could not safely remain at home even with reasonable services being provided, the court shall make a finding that the lack of preplacement preventive efforts were reasonable.

- .412 Welfare and Institutions Code Section 332 specifies in pertinent part as follows:

(a) If it is alleged that the minor is a person described by subdivision (a) of Section 300, the petition shall contain an allegation that severe physical abuse has occurred if the probation officer intends to request a finding of severe physical abuse pursuant to Section 330.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 1502(a)(4), Health and Safety Code, 305, 306, and 308, Welfare and Institutions Code.

Adopt new Chapter 31-200 and new Section 31-201; renumber Section 30-170.12 to new Section 31-201.121(a), Sections 30-174.141 et seq. to new Sections 31-201.121(c)(1) et seq., Section 30-174.3 to new Section 31-201.121(c), Section 30-262.21 to new Section 31-201.121(b), and Sections 30-355.4 et seq., .5, and .6 to new Sections 31-201.121(c)(2) et seq. and amend to read:

CHAPTER 31-200 CASE PLAN

31-201 CASE PLANNING PROCESS

31-201

.1 When it has been determined that child welfare services are to be provided the social worker shall:

.11 Complete an assessment process.

.111 An assessment process is completed for each child for whom child welfare services are to be provided, and includes gathering and evaluating information relevant to the case situation and appraising case services needs.

.12 Determine the case plan goal.

.121 When determining the case plan goal, the social worker shall consider the following order of priority for services:

~~30+170~~

~~112~~

(a) Family maintenance services - In order to maintain the child in his/her own home, ~~family maintenance services shall be the first priority for services consideration~~ when the protective needs of the child can be ~~ensured~~ met.

~~30+262~~

~~121~~

(b) The child's case shall be transferred to the Family reunification program services - ~~If~~ the family potentially can be successfully reunified within the time limits specified in Welfare and Institutions Code Sections 16507 and 16507.3 ~~through the provision of the services specified in Section 30+170.~~

~~30+174~~

~~13~~

(c) Transfer to the permanent placement program shall be considered services - ~~Only~~ when there are no feasible means of maintaining or reuniting the child with his/her parent(s)/guardian(s).

(1) When the child has been detained and one or more of the following circumstances exist, the social worker may recommend permanent placement services.

141 The transferable date under each of the following circumstances shall be the date of the hearing at which permanent placement services are ordered:

- (A) The whereabouts of the parent(s)/guardian(s) is unknown.
- (B) The parent(s)/guardian(s) is suffering from a mental disability that renders him/her incapable of utilizing family reunification services.
- (C) The child had been previously adjudicated a dependent as a result of physical or sexual abuse; had been removed from the parent(s)/guardian(s) custody of the parent(s)/guardian(s); had been returned to the parent(s)/guardian(s) custody of the parent(s)/guardian(s); and has again been removed due to additional physical or sexual abuse.
- (D) The parent(s)/guardian(s) of the child has been convicted of causing the death of another child through abuse or neglect.
- (E) The child is under the age of five and has come under court jurisdiction due to severe physical abuse as specified in Welfare and Institutions Code Section 300(e).
- (F) The child has come under court jurisdiction due to severe abuse or severe physical abuse.
- (G) The parent(s)/guardian(s) is incarcerated or institutionalized and the social worker has determined, based on the criteria specified in Welfare and Institutions Code Section 361.5(e)(1) that permanent placement services are appropriate.

30733
14

- (2) When recommending a permanent placement plan, the social worker shall adhere to the following priority order of priority for permanent placement:

141

- (A) Adoption - Prior to the hearing conducted pursuant to Welfare and Institutions Code Sections 366.25 or 366.26, the case shall be reviewed conducted jointly by foster care and adoption staff to determine potential for adoption within one year of foster care placement, or earlier if family reunification does not appear to be feasible shall have been completed.

141. When a case is referred for adoption planning, it shall remain under county supervision for purposes of providing child welfare services until dismissal of the dependency and issuance of a final decree of adoption.

142 (B) Guardianship - If adoption is not possible, the case shall be reviewed for guardianship.

143 (C) Long term foster care - If adoption or guardianship is not possible, a recommendation for long-term foster care placement shall be made.

15 ~~The reason(s) for the recommendation to transfer the case shall be documented in the case record.~~

16 ~~The recommendation for case transfer shall have dated, written approval of the family reunification social worker's supervisor.~~

.13 Develop the case plan which shall identify the following factors and document the plan as specified in Section 31-205:

.131 Objectives to be achieved.

.132 Specific services to be provided.

.133 Case management activities to be performed.

(a) Parent(s)/guardian(s) shall be requested to participate in the development of the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.5, 366.23, 16501, 16501.1(f), 16506, 16507, and 16508, Welfare and Institutions Code.

Adopt new Section 31-205; renumber Section 30-144.43 to new Section 31-205.51, Sections 30-198.131 and .131(a) et seq. to new Section 31-205.11 et seq., Section 30-198.131(b) to new Section 31-205.12, Sections 30-198.131(c), (d), and (e) to new Section 31-205.17, Section 30-198.131(f) to new Section 31-205.15, Section 30-276.131(b) (3) to new Section 31-205.13, Sections 30-276.14, .141, and .141(a) to new Section 31-205.31, Section 30-276.141(b) to new Section 31-205.321, Sections 30-276.141(c) and (d) to new Section 31-205.33, Sections 30-342.35 et seq. to new Sections 31-205.46 et seq., Section 30-376.131(c) to new Section 31-205.16, Sections 30-376.141(c) et seq. to new Section 31-205.43 and amend to read:

31-205 CASE PLAN DOCUMENTATION

31-205

.1 The social worker shall document in the case plan the following assessment information:

~~30-198~~

~~131 There shall be a readily identifiable assessment in the case record for each child and the assessment shall include the following information:~~

~~11~~ .11 ~~A brief description of~~ The relevant social, cultural, and physical factors relating to the following:

~~11~~ .111 The child.

~~12~~ .112 The child's parent(s)/guardian(s)/ or person(s) serving in that role.

~~13~~ .113 Other significant persons, including children and siblings, who are known to reside in the home.

~~14~~ .12 ~~A description of~~ The apparent problems, and possible causes of those problems, which require intervention.

~~30-276/131/14~~

~~13~~ .13 The ~~f~~family strengths which could aid in problem resolution.

.14 Whether the child may safely remain at home if preplacement preventive services are provided, and, if so, the specific services to be provided.

~~30-198/131~~

~~15~~ .15 If the child is a parent, ~~identification of~~ any special needs of the child with regard to his/her role as a parent.

~~30-276/131~~

~~16~~ .16 If the child has been removed pursuant to based on a finding of "severe physical abuse" as provided for in pursuant to Welfare and Institutions Code Section 361.5(b) (5), the assessment shall include a description of the circumstances surrounding the severe physical abuse of the child and an evaluation as to whether failure to order family reunification services would likely be detrimental to the child.

30+198/131

(d) .17 Identification of any known social services previously offered and/or delivered to the child or family/ and the result of such those services.

(d) Identification of need/ if any/ for the provision of temporary in-home caretaker services/

(d) Identification of need/ if any/ for the provision of extended emergency shelter care services/

.18 The need, if known, for any health/medical care.

.2 The social worker shall document in the case plan the case plan goal which the social worker has determined as specified in Section 31-201.12 to be appropriate for each child.

.3 The social worker shall document in the case plan the following information regarding case plan objectives for each person named in the case plan:

30+276

114 The initial and modified service plans specified in sections 30+234 and 30+236/

1141 There shall be a readily identifiable service plan in the case record which includes information for each child and the service plan shall include the following information/

(d) .31 Measurable, time-limited objectives based on the problems and family strengths identified in the assessment.

.311 The social worker shall include specific descriptions of the responsibilities of the parent(s)/guardian(s) in meeting the case plan objectives.

.32 The specific services to be provided and the case management activities to be performed in order to meet the case plan objectives and goal.

(d) .321 Service/funded activities to be used in objective achievement/ The social worker shall include specific descriptions of the responsibilities of the social worker, other county welfare department staff, other individuals, and community agencies in the provision of services and the performance of case management activities.

(d) .33 The projected date for completion of service case plan objectives and termination of family maintenance services and the date child welfare services are to be terminated.

HANDBOOK BEGINS HERE

(d) For children receiving AFDC/FD funding/ also refer to section 48+10111

HANDBOOK ENDS HERE

.34 The schedule of planned social worker contacts and visits with the child and the family in accordance with Sections 31-320 and 31-325.

.341 The social worker shall document in the case record the justification for any exceptions to the contact or visit requirements specified in Sections 31-320 and 31-325.

.342 The social worker shall document in the case plan the justification for exceptions to visit or contact requirements that are approved by the court or county deputy director pursuant to Sections 31-320.6 and 31-325.4.

.4 For children receiving out-of-home care, the social worker shall also document in the case plan, the following:

.41 An assessment of the child's placement needs and a determination and description of the type of home or institution which will best meet those needs.

.411 For children placed out-of-county, the rationale for out-of-county placement, and a description of the specific responsibilities of the sending and receiving counties, in accordance with the provisions of Section 31-505.

.412 For children placed out-of-state, the rationale for out-of-state placement, and a description of the specific responsibilities of the sending and receiving agencies, in accordance with the provisions of Section 31-510.

.42 The schedule of planned parent(s)/guardian(s) contacts and visits with the child, in accordance with Section 31-340.

30+376/141/2Y

.43 ~~A~~ The schedule of planned ~~for~~ visitation of the child by his/her grandparents as specified in Welfare and Institutions Code Section 16507(a).

HANDBOOK BEGINS HERE

(1) This statute specifies that family reunification services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child.

HANDBOOK ENDS HERE

.44 The schedule of planned social worker contacts and visits with the child's out-of-home care provider, in accordance with Section 31-330.

.45 The health and education information about the child.

.451 This information shall include the following, as available.

- (a) The names and addresses of the child's health and educational providers.
- (b) The child's grade level performance.
- (c) The child's school record.
- (d) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
- (e) A record of the child's immunizations.
- (f) The child's known medical problems.
- (g) The child's medications.

.452 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.

10/142/138

.46 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.

1381 .461 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.

1382 .462 Arrangements shall be made for necessary treatment.

.47 For each child in placement age 16 or older, the case plan shall incorporate the transitional independent living plan information as specified in Section 31-525.1.

.48 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.

.5 The case plan shall be considered complete only if all of the elements specified in Section 31-205 have been documented and the social worker's supervisor has signed and dated the case plan.

10/144

.4351 The social worker may ~~completion~~ of a single ~~service~~ case plan for the family, provided that ~~necessary~~ the planned services are individually identified for each child for whom such services are to be continued beyond the initial evaluation specified in Section 10/134 person named in the case plan.

.52 If any of the elements specified in Section 31-205 are not immediately available, the social worker shall document in the case plan the following information:

.521 The social worker's attempts to obtain the information.

.522 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361, 361.5, 16501, 16501.1(e), and 16507, Welfare and Institutions Code and 42 USC Sections 675(1) and 677.

Adopt new Section 31-210; renumber Section 30-234.4 et seq. to new Sections 31-210.11 et seq. and amend to read:

31-210 CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR CHILDREN FOR WHOM A DEPENDENCY PETITION HAS BEEN FILED

31-210

.1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the jurisdictional hearing, whichever comes first, the social worker shall:

.11 Complete and sign the case plan as specified in Section 31-205.

.12 Provide a copy of the completed case plan to the parent(s)/guardian(s).

.13 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.

.131 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.

(a) In so signing, the signature of the social worker's supervisor shall be deemed to have certified that the case plan was reviewed by the supervisor and the case plan goal and the planned services for meeting that goal are appropriate.

.14 Implement the case plan in accordance with the time frames and schedules specified in the case plan.

~~30-234~~

.42 Upon completion of the plan No later than the date of the dispositional hearing, the social worker shall:

.421 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.

.422 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.

.4221 If unable to obtain the ~~parent(s)/guardian(s)~~ signature of the parent(s)/guardian(s) as specified in ~~42 above~~ Section 31-210.22, the county ~~welfare department~~ shall nevertheless provide services, but shall document in the case ~~record~~ plan the reason(s) for the ~~parent(s)/guardian(s)~~ failure ~~of the parent(s)/guardian(s) to sign~~ to obtain the signature of the parent(s)/guardian(s).

.3 The case plan shall be included in the court report and submitted to the court at least 48 hours prior to the dispositional hearing specified in Welfare and Institutions Code Section 358.

- .31 If the dispositional hearing specified in Welfare and Institutions Code Section 358 is not convened within six months of the date the case plan was completed, the case plan update must be included in the court report and submitted to the court at least 48 hours prior to the dispositional hearing.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 358(b), 361, 16501(a), and 16501.1(d) and (e), Welfare and Institutions Code.

Adopt new Section 31-215 to read:

31-215 CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR
CHILDREN AND FAMILIES WHO WILL VOLUNTARILY RECEIVE SERVICES

31-215

- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact), the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-205.
 - .12 Explain the purpose and content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) named in the case plan to sign the case plan.
 - .131 If the parent(s)/guardian(s) refuses to sign the case plan for voluntary services, voluntary services shall not be provided.
 - .14 For children who will voluntarily receive out-of-home care, request the parent(s)/guardian(s) named in the case plan to sign the placement agreement parent/agency.
 - .141 If the parent(s)/guardian(s) named in the case plan refuses to sign the placement agreement parent/agency, voluntary out-of-home services shall not be provided.
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan.
 - .151 In so signing, the signature of the social worker's supervisor shall be deemed to have certified that the case plan was reviewed by the supervisor and the case plan goal and the planned services for meeting that goal are appropriate.
 - .16 Provide a copy of the completed case plan to the parent(s)/guardian(s).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(7) and 16507, Welfare and Institutions Code.

Adopt new Section 31-220 to read:

31-220 CASE PLAN UPDATES

31-220

- .1 The case plan shall be updated as service needs of the child and family dictate and to assure achievement of service objectives.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1(d), Welfare and Institutions Code.

Adopt new Section 31-225; renumber Section 30-254.2 to new Section 31-225.1, Sections 30-276.15, .151, .151(a), .151(a)(1) and (2) to new Sections 31-225.13, .131, and .132, Sections 30-276.151(b), (c), and (d) to new Sections 31-225.14 and .15, Sections 30-376.151(b) et seq. to new Sections 31-225.133 et seq., Section 30-476.122(b) to new Section 31-225.12 and amend to read:

31-225 CASE PLAN UPDATE DOCUMENTATION

31-225

~~30+284~~

~~.21~~ Each ~~reassessment~~ case plan update shall ~~include~~ document the following information: ~~specified in sections 30+276/151/151(a) through (d)~~

~~.11~~ Any changes in the information contained in the case plan.

~~30+476/122~~

~~(b)~~ .12 Specific ~~data on~~ information about on the current condition of the child and family.

~~30+276~~

~~.12~~ The ~~reassessments~~ specified in section 30+284/

~~.151~~ There shall be a ~~current/ readily identifiable~~ assessment in the case record which includes information for each child who has been in the family maintenance program for three months or longer and the reassessment shall include the following information:

~~(a)~~ .13 If the parent(s)/guardian(s) is part of the case plan, a description of the degree of compliance by the parent(s)/guardian(s) compliance with the written services case plan, including the following:

~~(1)~~ .131 Parent/guardian ~~p~~Progress in working toward achievement of each family maintenance case plan goal objective.

~~(2)~~ .132 Parent/guardian ~~c~~Cooperation in keeping appointments.

~~30+376/131~~

~~(b)~~ An evaluation of the adequacy and continued appropriateness of the services provided to the child and the family/

~~(1)~~ Parent/guardian ~~c~~cooperation in working toward achievement of each reunification plan goal/

~~(2)~~ .133 For children in out-of-home placement, visiting patterns of the parent(s)/guardian(s) with the child, including, but not limited to, the following:

~~(Aa)~~ Visit fFrequency of visits.

~~(Ab)~~ Visit iInitiation by parent(s)/guardian(s).

(Cc) Parent/guardian cooperation in keeping appointments.

(Dd) Parent/guardian interaction with child and/or foster parent(s).

30+276/131

1bY .14 An evaluation of service The case plan adequacy and continued appropriateness.

1cY .141 An evaluation of The need, if any, for an alternative case plan to family maintenance/ including documentation of joint assessment with adoption staff/ if applicable.

1dY Documentation that the social worker has provided the parent(s)/guardian(s) with the summary specified in sections 30+234/3 through 133/

.15 The joint assessment conducted pursuant to Welfare and Institutions Code Sections 361.5(g), 366.21(i), or 366.22(b), when that assessment has been ordered by the court.

.2 The case plan update shall be considered complete only if all of the elements specified in Section 31-225 have been documented and the social worker's supervisor has signed and dated the case plan update.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1(d), Welfare and Institutions Code and 42 USC Section 675(1).

Adopt new Section 31-230 to read:

31-230 CASE PLAN UPDATE TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS
FOR COURT-ORDERED CASES

31-230

.1 The social worker shall:

- .11 Complete a case plan update as often as the service needs of the child and family dictate and as is necessary in order to assure achievement of service objectives. At a minimum, the social worker shall complete a case plan update in conjunction with each status review hearing, but no less often than once every six months.

HANDBOOK BEGINS HERE

- .111 Status review hearings are conducted pursuant to Sections 366.21, 366.22, 366.25, or 366.26 of the Welfare and Institutions Code.

The dispositional hearing held pursuant to Welfare and Institutions Code Section 358 may be considered the initial status review hearing if it is held within the first six months of a child's original placement date as defined in Welfare and Institutions Code Section 11400(p) and makes all of the findings required by Welfare and Institutions Code Section 366(a).

- .112 Welfare and Institutions Code Section 11400(p) specifies as follows:

"Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

- .113 Welfare and Institutions Code Section 366(a) specifies as follows:

The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.25 or 366.26 is completed. The court shall determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and shall project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship.

HANDBOOK ENDS HERE

- .12 Obtain the signed and dated written approval of the social worker's supervisor on either the case plan update or the court report prior to submission of the case plan update and the court report to the court.
- .13 Provide a copy of the completed case plan update to the parent(s)/guardian(s) and discuss the case progress, problems, and case plan status.
- .14 Submit the case plan update and the court report to the court at least 10 calendar days prior to the scheduled hearing.
- .141 Updates to the case plan made during the period between review hearings which do not change the case plan goal may be approved by the social worker's supervisor and need not be approved by the court. The social worker's supervisor shall document approval of the updated case plan by signing and dating the case plan update.
- .15 Request the parent(s)/guardian(s) named in the case plan to sign the case plan update as an indication of plan approval and willingness to participate in service activities.
- .151 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-230.15, the county shall nevertheless provide services. However, the social worker shall document in the case plan the reason(s) for the failure ~~of the parent(s)/guardian(s) to sign.~~ to obtain the signature of the parent(s)/guardian(s).

CT

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366(a), and 16501.1(d) and (f), Welfare and Institutions Code.

Adopt new Section 31-235 to read:

31-235 CASE PLAN UPDATE TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS
FOR VOLUNTARY CASES

31-235

.1 The social worker shall:

- .11 Complete a case plan update as often as the service needs of the child and family dictate and as is necessary in order to assure achievement of service objectives, but no less frequently than once each six months.
- .12 Provide a copy of the completed case plan update to the parent(s)/guardian(s) and discuss the case progress, problems, and case plan status.
- .13 Request the parent(s)/guardian(s) named in the case plan update to sign the case plan update as an indication of plan approval and willingness to participate in service activities.
 - .131 If the parent(s)/guardian(s) named in the case plan update refuses to sign the case plan update for voluntary services, voluntary services shall not be provided.
- .14 Obtain signed and dated written approval of the social worker's supervisor on the case plan update.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(7) and 16507, Welfare and Institutions Code.

Adopt new Chapter 31-300 and new Section 31-301; renumber Sections 30-120.4 et seq. to new Sections 31-301.2 et seq. and amend to read:

CHAPTER 31-300 SERVICE DELIVERY

31-301 GENERAL REQUIREMENTS FOR SERVICE DELIVERY

31-301

.1 The individual child's case plan shall be the guiding principle in the provision of child welfare services.

.11 The social worker shall ensure that the provision of all services is consistent with the case plan goals specified in the child's case plan.

~~30-120~~

.42 The county ~~welfare department~~ shall meet the requirements specified in Welfare and Institutions Code Section 16501(c) when purchasing services.

.21 Counties shall not contract for case management services and any activities which are mandated by the Division 31 regulations to be performed by the social worker.

HANDBOOK BEGINS HERE

141 This statute specifies as follows:

1411 Counties shall not contract for needs assessment/ client eligibility determination/ or any other activity as specified by regulations of the State Department of Social Services.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.1, Welfare and Institutions Code.

Adopt new Section 31-305 to read:

31-305 USE OF VOLUNTEERS

31-305

- .1 The county may use volunteers to supplement professional child welfare services.
- .11 The county shall ensure that volunteers comply with all statutes and regulations governing the child welfare services program.
- .12 The county shall not delegate to volunteers any responsibilities and activities that are mandated by statute or regulation to be performed by social workers.
- .13 The county shall not use volunteers to supplant social workers.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501(e), Welfare and Institutions Code.

Adopt new Section 31-310; renumber Sections 30-162.13, .14, and .15 to new Section 31-310.11, .12, and .13, Sections 30-198.181 through .184 to new Sections 31-310.141(a) through (d), and Sections 30-252.3 and .4 to new Sections 31-310.14 and .15, and amend to read:

31-310 SOCIAL WORKER RESPONSIBILITIES FOR SERVICE DELIVERY

31-310

.1 In providing or arranging for the provision of services identified in the case plan, the social worker shall:

~~30+162~~

~~.131~~ ~~Enable the~~ Assist each child/ to understand through the provision of age-appropriate counseling/ ~~to understand~~ the reason(s) for providing service ~~provision/ including emergency shelter care services/~~ and to handle associated emotional problems.

~~.142~~ Monitor the child's physical and emotional condition.

~~.153~~ When a child's family is being provided services in order to maintain the child in ~~his/her own~~ the home, take action as necessary to ensure that the child's protective needs continue to be met.

~~30+232~~

~~.314~~ ~~The social worker shall~~ Assist the parent(s)/guardian(s) to understand agency procedures, the orders of the courts, if any, or arrangements between the county ~~welfare department~~ and other agencies.

~~.415~~ ~~The social worker shall~~ Provide to the parent(s)/guardian(s) of a child voluntarily receiving services both verbal and written information regarding the possibility that legal action may be taken which could result in removal of the child from the home if parenting problems are not solved and the child remains ~~endangered~~ at risk of abuse, neglect, or exploitation.

~~.16~~ Provide respite and out-of-home care providers information of any known or suspected dangerous behavior of the child.

~~.161~~ The social worker shall document in the case record any information provided to the respite and out-of-home care provider regarding the child's known or suspected dangerous behavior, including the following:

~~30+198~~

~~1181~~ (a) Date information was provided.

~~1182~~ (b) Name of person receiving information.

~~1183~~ (c) Specific facts provided.

~~1184~~ (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a \$500 fine up to \$1,000.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2, 10850, and 16501.1, Welfare and Institutions Code and Section 19, Penal Code.

Renumber Sections 30-120 and 30-220 to new Section 31-315 and Sections 30-244.4 et seq. to new Sections 31-315.3(j)(1) and (2) and amend to read:

~~30-120~~ SERVICE-FUNDED ACTIVITIES
~~30-220~~
31-315 SERVICE-FUNDED ACTIVITIES

~~30-120~~
~~30-220~~
31-315

.1 Service-funded activities shall be available to children and their families in all phases of the Child Welfare Services program as specifically identified in the child's case plan.

~~30-120~~
.2 ~~The~~ Service-funded activities ~~specified in 111 through 113 above~~ shall be provided as necessary to ensure the protection of the child.

.3 State funding of service-funded activities shall be limited to the amount allocated to each county by the Department from funds appropriated to the Department in the annual Budget Act for the purpose of funding child welfare services.

.31 If service-funded activities are available through other public and private sources, the county shall exhaust those sources prior to authorizing the expenditure of state funds appropriated for the purpose of funding child welfare services.

~~30-120~~
.14 The range of service-funded activities which shall be available without prior departmental approval to all children and their families receiving emergency response services shall include, but not be limited to, the following:

(a) Case management.

~~111~~ (b) Counseling.

~~112~~ Crisis intervention/

~~113~~ (c) Emergency shelter care, as specified in Section 31-415.

~~114~~ Initial intake/

~~115~~ Transportation/

~~13~~ Additional services shall be provided only with prior departmental approval/ except as specified in 112 below/

~~111~~ When prior approval is given verbally, written confirmation of the approval shall be obtained from the department and maintained in the case record/

~~112~~ The county welfare department shall be permitted to provide temporary in-home caretaker services without prior departmental approval only if the requirements specified in sections 30-132.1 through 1212 are met/

30+220

116 (d) Emergency/Temporary in-home caretakers.

(e) Therapeutic day services.

118 (f) Teaching and demonstrating homemakers.

11 The service/funded activities which shall be available without prior departmental approval to all children and/or their families receiving family maintenance services shall include the following:

111 Counseling.

112 Emergency shelter care.

113 (g) Parenting training.

(h) Substance abuse testing.

117 (i) Transportation.

114 (j) Out-of-home & Respite care.

12 Additional services shall be provided only with prior departmental approval.

30+244

14 (1) Out-of-home & Respite care services shall be provided as follows:

141 Such services shall be provided only when there is a clear understanding of the time at which the parent(s)/guardian(s)/foster parent(s) is expected to return to the home or be prepared to accept the child back into the home or to undertake alternative courses of action to arrange for the child's future care.

142 (2) Out-of-home & Respite care services shall not exceed 48 72 hours per session.

(3) Respite care These services shall not be provided for the purpose of routine ongoing child day care.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501(a)(1) and (2) and 16501(b), Welfare and Institutions Code.

1. The social worker shall arrange for visitation, as determined in the child's case plan, for each child.

31-320	SOCIAL WORKER CONTACTS WITH THE CHILD
307162	CASE MANAGEMENT
307282	CASE MANAGEMENT
307442	PLACEMENT CASE MANAGEMENT
31-320	

case plan, for each child.

HANDBOOK BEGINS HERE

11. The purpose of social worker contact with the child is to achieve the following objectives:

following objectives:

111. Verify the location of the child, monitor the safety of the child, assess the child's well-being, and assist the child in preserving and maintaining religious and ethnic identity.

112. Gather information to assess the effectiveness of services provided to meet the child's needs, to monitor the child's progress, and to meet identified goals.

113. Establish and maintain a helping relationship between social worker and child to provide continuity and stability point for the child.

.114 Counsel the child as to current placement and progress.

HANDBOOK ENDS HERE

10/182
12 For each child receiving therapy services/ The social worker shall/

111

have had at least three visits the child at least three times in the first 30 calendar days, including the initial in-person response to the case plan.

case plan.

1217 If the case plan is completed prior to 30 calendar days after the initial removal of the child or in-person response, the social worker shall be permitted to have less frequent face-to-face visits, up to a minimum of twice in the first 21 calendar days. /
if the case plan is completed prior to 30 calendar days after the
initial removal of the child or in-person response, the social worker
shall be permitted to have less frequent face-to-face visits,
up to a minimum of twice in the first 21 calendar days. /

/ s ə p u ʔ ɹ s u t ɹ i ʔ

[illegible]

10Y The child is receiving inpatient care provided by professional medical staff in a licensed health facility/ and there is an agreement documented in the case record that such staff will provide medical progress reports expeditiously to the social worker/

10Y All of the following requirements are met/

11Y The child remains in his/her home/ and has no severe physical or emotional problems caused or aggravated by that circumstance/

12Y The child is contacted at least three times face-to-face every 21 calendar days by one or more of the following persons when such persons are providing services to the child pursuant to the service plan/

1A) Social services staff of a county welfare department/

1B) Staff of another services agency/

1C) A physician or other professional/

13Y There is an agreement with any such services provider/ documented in the case record/ that he/she will provide contact reports expeditiously to the social worker/

112 Have face-to-face contact with the child no less than twice every 30 days after the child has been in the Emergency Response Program 21 calendar days/

30+252

.13 For each child receiving family maintenance services/ The social worker shall/

111 Have face-to-face contact with the visit each child with an approved case plan who remains in the home at least twice every 30 calendar days during the first 90 calendar days the case is open/ and at least once each calendar a month thereafter/ except as specified in section 30+252/12.

.312 The social worker shall be permitted to have less frequent face-to-face contact visits, up to a minimum of once each every two months, only if all the following criteria in sections 30+252/121 or 122 are met and written supervisory approval has been obtained:

121 All of the following exist/

1a) .311 The child has no severe physical or emotional problems caused or aggravated by remaining in his/her own home.

107 .312 The child has face-to-face contact is visited at least monthly with one or more of the following persons once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the service case plan; and there is an agreement with any such services provider, documented in the case record, that he/she will provide contact reports expeditiously to the social worker/.

11) Social services staff of a county welfare department/

12) Staff of another services agency/

13) A physician or other professional/

1c) The social worker schedules his/her contacts with the child so that such contacts/ in combination with those made by the persons specified in sections 30+232/121/107/11 through 13/ ensure that the child receives face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open/ as specified in section 30+232/11/

1d) The social worker has face-to-face contact with the child at least once every 30 calendar days during the first 90 calendar days the case is open/

1e) Written supervisory approval has been obtained/

1122 The case is being transferred to the family maintenance program from the family reunification program or the permanent placement program and the case plan accompanying the transfer indicates that there is no need for face-to-face contact more often than once a month/

113 Enable the child/ through the provision of age-appropriate counseling/ to understand the reason(s) for service provision/ including temporary placement services/ and to handle associated emotional problems/

30+342

.34 For each child in placement the social worker shall/ do the following for each child with an approved case plan who is placed in out-of-home care:

.341 Have face-to-face contact Visit the child at least once each calendar monthly.

.3411 The social worker shall be permitted to have less frequent face-to-face contact visits, up to a minimum of once each quarter every three calendar months, only if all of the following criteria are met and written supervisory approval has been obtained:

(a) The child has no severe physical or emotional problems caused or aggravated by the placement.

(b) The placement is stable.

(c) Subsequent to development of the case plan, and prior to any exception, the child has been visited in three of the most recent four consecutive months.

(d) The case record documents the existence of at least one of the following circumstances:

(1) The child is placed with a relative.

(2) The child is placed with a foster parent who has provided continuous care for the child for a minimum of ~~twelve~~ 12 months.

(3) The child is placed voluntarily and the parent(s)/guardian(s) identified in the case plan is making visits at least monthly.

(4) The child is under two years of age and less frequent social worker-child ~~contact~~ visits would facilitate reunification by permitting more frequent social worker-parent/guardian ~~contact~~ visits.

(5) The child is ~~contacted~~ monthly visited once each calendar month by one or more of the following persons when such persons are providing services pursuant to the ~~service~~ case plan; and there is an agreement with any such services provider, documented in the case record, that he/she will provide contact reports expeditiously to the social worker:

(A) Other social services staff of the county welfare department.

(B) Staff of another services agency.

(C) A physician or other health professional.

(d) Written supervisory approval has been obtained/

30+442

11 The social worker/ other representative of the placing agency or another agency providing services/ or other adult with whom the child is familiar/ shall be present at the time of permanent placement unless the child is placed out of state/

12 The social worker shall monitor the child's physical and emotional condition/ and shall take necessary action to safeguard the child's growth and development while in placement/

13 For each child in placement the social worker shall/

131 Have face-to-face contact at least monthly/ except as specified in sections 30+442/131 through 1314/

1311 .412 If the child has been placed with a legal guardian or relative and such services are unnecessary/ The social worker shall be permitted to have face-to-face contact with the child no less frequently than less frequent visits, up to a minimum of once every six consecutive calendar months/, if the child is receiving permanent placement services and one of the following criteria is met and written supervisory approval has been obtained:

1312 (a) If The dependent child has been placed with a legal guardian, or in a group home/ and the criteria specified in sections 30-442.131(a) through (e) have been met/ the social worker shall have face-to-face contact with the child in the home no less frequently than once every six months/ or foster family home and all of the following conditions have been met:

1313 If a child has been placed in a foster family home/ the social worker shall be permitted to have less frequent contact/ up to a minimum of once every six months/ only if all of the following conditions have been met/

(a1) The child has been in the placement for at least six consecutive months.

(a2) The child has no serious emotional problems caused or aggravated by the placement situation, and the social worker has determined that the placement has stabilized.

(a3) The foster parent(s)/ out-of-home care provider is cooperative in carrying out the service case plan.

(a4) The child is attending school, day treatment, or a licensed day care facility regularly or is being assisted to achieve self-maintenance as specified in § below a written transitional independent living plan.

(e) Written supervisory approval has been obtained/

(b) The child has been placed with a relative and the conditions specified in Sections 31-320.412(a)(1) through (3) have been met.

1314 If all of the following criteria are met/ the social worker shall be permitted to have less frequent contact/ up to a minimum of once every six months/

(c) The child is contacted face-to-face visited monthly by one or more of the following service providers providing services pursuant to the service case plan and there is an agreement, documented in the case record, that such service providers will provide contact reports expeditiously to the social worker:

(1) Other social services staff of the county welfare department.

(2) Staff of another services agency.

(3) A physician or other health professional.

(b) There is an agreement with the service provider that he/she will provide contact reports to the social worker within the time specified in the agreement.

(c) The agreement with the service provider is documented in the case record.

(d) Written supervisory approval has been obtained.

(d) The social worker shall ensure that verbal or written reports are received and documented in the case record.

.413 The social worker shall be permitted to have less frequent visits, up to a minimum of once every six consecutive calendar months if the child is receiving permanent placement services, is in placement with a legal guardian, and dependency has been dismissed or the child has never been a dependent.

14 The requirements specified in 111 through 1111(e) above shall not apply when the child is placed out of state.

.42 Telephone the child placed in a group home at least once each calendar month in those months the child is not visited unless there is documentation in the case plan that it is not in the child's best interests.

.5 The minimum visitation requirements for all services are not applicable under the following circumstances:

.51 The child has an approved case plan, and

.52 The child is a dependent of the court, and

.53 The child's whereabouts are unknown and the court has been informed. The social worker must confirm and document in the child's case record that the child's whereabouts are unknown once every 30 days from the date of the initial discovery, or

.54 The child is residing out of state under the provisions of the Interstate Compact on the Placement of Children, is receiving services from the receiving state, and the receiving state is providing written or verbal reports to the social worker that are documented in the case record.

- .6 Additional exceptions to the visitation requirement up to a minimum of once every six calendar months shall be permitted only in the following circumstances:
- .61 For court supervised cases, court approval of a specific visitation plan.
- .62 For voluntary cases, county deputy director approval of a specific visitation plan.
- .7 Under no circumstances shall a social worker visit the child less frequently than once every six consecutive calendar months.

30+182

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 16501.1, and 16504, Welfare and Institutions Code.

30+282

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 16506, and 16506.1, Welfare and Institutions Code.

30+442

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 10553, 11008.15, 11155.5, 16508, and 16508.1, 16501(a), 16501.1(b), (d), and (f)(4), and 16504, Welfare and Institutions Code.

Adopt new Section 31-325; renumber Sections 30-252.2 et seq. to new Sections 31-325.2 et seq. and Sections 30-342.6, .61, and .62 to new Sections 31-325.3 et seq., and amend to read:

31-325 SOCIAL WORKER CONTACTS WITH THE PARENT/GUARDIAN

31-325

- .1 The social worker shall arrange for contact, as determined in the case plan, for each parent/guardian.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker contact with the parent(s)/guardian(s) named in the case plan is to achieve the following objectives:

.111 Verify the location of the parent(s)/guardian(s), assess the functioning of the parent(s)/guardian(s) as it pertains to meeting the child's basic and special care needs, and the safe maintenance of the child in the home.

.112 Gather information to assess the effectiveness of services provided to meet the needs of the parent(s)/guardian(s), to monitor the progress of the parent(s)/guardian(s), and to meet identified goals.

.113 Establish and maintain a helping relationship between the social worker and the parent(s)/guardian(s).

.114 Counsel the parent(s)/guardian(s) as to current placement and progress.

HANDBOOK ENDS HERE

30-252

- .2 For parent(s)/guardian(s) receiving family maintenance services, the social worker shall have face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open, and at least once a month thereafter visit each parent(s)/guardian(s) named in the case plan receiving in-home services a minimum of once each calendar month.

- .21 The social worker shall be permitted to have less frequent face-to-face contact visits, up to a minimum of once a every two calendar months, only if all of the following criteria are met and written supervisory approval has been obtained:

.211 The parent(s)/guardian(s) has no severe physical or emotional problems that affect his/her ability to parent the child.

.212 The parent(s)/guardian(s) receives a face-to-face contact by one or more of the following persons is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the service case plan, and there is an agreement with any such services provider, documented in the case record, that he/she will provide contact reports expeditiously to the social worker.

- (a) Social services staff of a county welfare department/
- (b) Staff of another services agency/
- (c) A physician or other professional/

1213 The social worker schedules his/her contacts with the parent(s)/guardian(s) so that such contacts/ in combination with those made by the persons specified in sections 30+232/212(a) through (c)/ ensure that the parent(s)/guardian(s) receives face-to-face contact at least twice every 30 calendar days during the first 90 calendar days the case is open/ as specified in section 30+232/21/

1214 The social worker has face-to-face contact with the parent(s)/guardian(s) at least once every 30 calendar days during the first 90 calendar days the case is open/

1215 Written supervisory approval has been obtained/

.213 The social worker shall ensure that verbal or written reports are received and documented in the case record.

30+342

.63 For the parent(s)/guardian(s) from whom the child has been removed/ The social worker shall/

161 Have face-to-face contact visit each parent/guardian named in the case plan whose child(ren) is placed in out-of-home care at least once each calendar month/, unless the case record plan contains documentation justifying less frequent face-to-face contacts visits and written supervisory approval has been obtained.

.6131 If the parent(s)/guardian(s) is not available for face-to-face contact monthly visits, the social worker shall maintain monthly written or telephone contact with him/her regarding the child's status and the parent(s)/guardian(s) actions that should be occurring in order to facilitate reunification.

.6132 If all the following criteria are met, the social worker shall be permitted to maintain monthly written or telephone contact, rather than face-to-face contact visits, with the parent(s)/guardian(s):

1a) .321 The parent(s)/guardian(s) is contacted face-to-face visited once each calendar month/ by one or more of the following service providers providing services pursuant to the service plan:

- (1a) Social services Other staff of a the county welfare department.
- (2b) Staff of another services agency.
- (3c) A physician or other health professional.

(b) There is an agreement with the service provider that he/she will provide contact reports to the social worker within the time specified in the agreement.

(c) The agreement with the service provider is documented in the case record.

(d) Written supervisory approval has been obtained.

162 Assist them to understand agency procedures, the orders of the court, or arrangements between the county and other agencies.

.322 The social worker shall ensure that verbal or written reports are received and documented in the case record.

.323 If the whereabouts of the parent(s)/guardian(s) are unknown and a due diligence affidavit has been filed with the court pursuant to Welfare and Institutions Code Section 366.23(b)(7), monthly contact is not required.

.4 Additional exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:

.41 For court supervised cases, court approval of a specific visitation plan.

.42 For voluntary cases, county deputy director approval of a specific visitation plan.

.5 Under no circumstances shall a social worker visit the parent(s)/guardian(s) less frequently than once every six consecutive months.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.23(b)(7) and 16501.1(f)(4), Welfare and Institutions Code.

Adopt new Section 31-330; renumber Sections 30-342.7 and .71 to new Sections 31-330.2 and .21, and Section 30-442.6 to new Section 31-330.22 and amend to read:

31-330 SOCIAL WORKER CONTACTS WITH THE OUT-OF-HOME CARE PROVIDER

31-330

- .1 The social worker shall arrange for contact, as determined in the child's case plan, for each out-of-home care provider.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker/out-of-home care provider contact is to achieve the following objectives:

.111 Monitor and assess the quality of care provided including the location and safety of the child and the ability of the out of home care provider to meet the child's basic and special needs, if any (e.g. health and educational needs).

.112 Gather information to assess the effectiveness of services provided to meet identified goals. Verify and synthesize data and information for court report. Maintain a case plan that is responsive to current and future needs.

.113 Establish and maintain mutually cooperative relationship between the social worker and the out-of-home care provider.

.114 Counsel the out-of-home care provider as to progress.

HANDBOOK ENDS HERE

~~30/342~~

- ~~.72 For the foster care provider(s)/~~ The social worker shall/ do the following for the out-of-home care provider(s):

~~.721 Have contact at least once each calendar month/y.~~

.211 Social workers shall not be required to contact the out-of-home care provider if the child has been receiving permanent placement services and one of the following criteria is met:

(a) The child has been placed with a legal guardian.

(b) The child has been placed with the same relative for five years or longer and there are no problems with the child's placement.

~~30/442~~

~~16 The social worker shall provide the following services to any foster parent(s) or guardian(s) with whom a child has been permanently placed:~~

~~161 Telephone access to a social worker 24 hours a day/ seven days a week in case of emergencies involving his/her foster child(ren)/~~

- 162 Ensure that the foster parents/sy or guardian/sy understands and supports the service plan and is/are aware of any changes!
- 163 Contact at least monthly and face-to-face contact at least every six months for foster parents!
- 164 .22 Face-to-face contact Visit no less frequently than once every six calendar months for guardians.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(4), (5), and (6), Welfare and Institutions Code.

Adopt new Section 30-335 to read:

31-335 SOCIAL WORKER CONTACTS WITH OTHER SERVICE PROVIDERS

31-335

- .1 The social worker shall have contact with other professionals working with the child, parents/guardians, and out-of-home care provider including, but not limited to, the following:
- .11 Public Health Nurse
 - .12 Professional group home staff
 - .13 Physician
 - .14 Therapist
 - .15 Infant specialist
 - .16 Social workers from other counties or states providing services.

HANDBOOK BEGINS HERE

- .2 The purpose of social worker contact with other professionals is to achieve the following objectives:
- .21 Confer and collaborate toward the most effective, efficient identification and meeting of the child's or the parent's needs.
 - .22 Monitor safety of the child (e.g., daycare center, public health nurse, etc.) and obtain their perception of the child's well-being.
 - .23 Determine whether parent is following through with commitments.
 - .24 Document reasonable efforts.

HANDBOOK ENDS HERE

- .3 The social worker shall request written reports from the professionals specified in Section 31-335.1, when their services are being provided to a child, parent/guardian, or out-of-home care provider as part of a case plan.
- .31 The social worker shall ensure that such reports are received and documented in the case record.
 - .311 If the social worker is unable to obtain a written report, a verbal report shall be obtained and documented in the case record.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(4), (5), and (6), Welfare and Institutions Code.

Adopt new Section 31-340; Section 30-342.32 to new Sections 31-340.2, and Section 30-342.321 to new Section 31-340.1 and amend to read:

31-340 PARENT/GUARDIAN CONTACTS WITH THE CHILD

31-340

~~30-342.321~~

- .1 The social worker shall not arrange unsupervised visits, unless the court orders unsupervised visits, if the child has been removed pursuant to a finding of "severe physical abuse" as provided for in Welfare and Institutions Code Section 30300(e). Such contact shall not include unsupervised visits or trial placements.
- .2 The social worker shall arrange for face-to-face contact visits between child and the parent(s)/guardian(s) named in the case plan no less frequently than once each calendar at least monthly in order to achieve reunification unless the case record contains documentation and supervisory approval justifying less frequent contacts for children receiving family reunification services.
- .3 Exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:
- .31 For court supervised cases, court approval of a specific visitation plan.
- .32 For voluntary cases, county deputy director approval of a specific visitation plan.
- .4 Under no circumstances shall a social worker arrange for visits between the parent/guardian and child less frequently than once every six consecutive months.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(f)(5) and (6), Welfare and Institutions Code.

Adopt new Section 31-345 to read:

31-345 GRANDPARENT CONTACTS WITH THE CHILD

31-345

- .1 The social worker shall arrange for visits between the child and grandparents, as determined in the child's case plan, for children receiving court-ordered family reunification services.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507(a), Welfare and Institutions Code.

Adopt new Chapter 31-400; renumber Sections 30-330 and 30-362 to new Section 31-401, Section 30-244.5 to new Section 31-401.1, and Section 30-336.4 to new Section 31-401.3 and amend to read:

CHAPTER 31-400 PLACEMENT

307362 COMMENT OF FOSTER PARENT(S)

307360

31-401

GENERAL REQUIREMENTS FOR PLACEMENT

31-401

307360

307362

307364

31. The social worker, other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of temporary placement unless the child is placed out of state.

307360

17 The temporary placement shall be in accordance with the provisions of the

2 At the time of initial placement in foster care of a child who is a dependent

of the court, the agency responsible for placement and care shall provide information describing the review process, including the permanency planning hearing, and subsequent court and administrative reviews, to the parent(s)/guardian(s); and to the child, if 12 years of age or older.

307360

43. Commentary The placement of children in the same placement home or facility when such children have different legal status shall be subject to the provisions of welfare and institutions Code Sections 206 and 16514.

AMENDMENTS HERE

17

These amendments shall be effective on the date of the placement of the child in the placement home or facility. The amendments shall be effective on the date of the placement of the child in the placement home or facility.

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142 The statutes further specify that any minor adjudged a ward of the juvenile court pursuant to Welfare and Institutions Code Section 801 shall not be housed in an emergency shelter with any minor adjudged a ward of the juvenile court pursuant to Welfare and Institutions Code Section 802.

HANDBOOK ENDS HERE

30/362

.14 A foster parent providing out-of-home care to a child pursuant to court orders or providing such services to a voluntarily placed child shall have the legal consent authority specified in Health and Safety Code Section 1530.6.

HANDBOOK BEGINS HERE

.141 This statute provides that such foster parents may give the same legal consent for such child as would a parent except as specified in Sections 31-401.1411 through .1413 below.

.1411 A foster parent does not have the authority to give legal consent for any of the following:

(a) Marriage.

(b) Entry into the armed forces.

(c) ~~Vehicle operator's license.~~

(d) Medical or dental treatment which is not ordinary.

(1) Ordinary medical or dental treatment includes but is not limited to the following routine services provided by or under the supervision of licensed practitioners of medicine and dentistry to protect or enhance a child's health:

(A) ~~Emergency care.~~

(B) Immunizations.

(C) Physical examinations.

(D) X-rays.

.1412 A parent of a voluntarily placed child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.

.7413 A court of competent jurisdiction has the authority to issue an order limiting foster parent's authority to give such consent.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code; Section 1530.6, Health and Safety Code.

Renumber Section 30-338 to new Section 31-405, Sections 30-342.2, .34, .63, .72, and .73 to new Sections 31-405.1(e), (d), (n), (i), and (j), respectively, and amend to read:

~~30-338~~ PLACEMENT ACTIVITIES

~~30-338~~

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT

31-405

.1 When arranging for a child's placement the social worker shall:

(a) Meet the requirements specified in Section 31-515 when placing an Indian child.

~~30-338~~

~~11 Prior to any placement, the social worker shall complete the following requirements:~~

~~111~~ (b) ~~The child shall be assisted~~ Assist each child in understanding the reason(s) for placement.

~~112~~ (c) ~~Arrangements for preplacement visitation between the child and the foster parent(s) shall be made~~ out-of-home care provider, if possible.

~~30-342~~

~~134~~ (d) ~~Assist the~~ each child to maintain his/her cultural and ethnic identity.

~~12~~ (e) ~~The social worker shall monitor~~ the child's physical and emotional condition, and ~~shall~~ take necessary actions to safeguard the child's growth and development while in placement.

(f) Ensure that information regarding available CHDP services is provided to the out-of-home care provider within 30 days of the date of placement.

(g) Ensure that the child receives medical and dental care which places attention on preventive health services through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.

(1) Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.

(h) Make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken.

~~172~~ (i) Make arrangements for the out-of-home care provider to have telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).

~~173~~ (j) Ensure that he/she the out-of-home care provider understands and supports the service child's case plan, and is aware of any change(s) thereto.

30+338

173 (k) Provide the foster parent(s) or group home operator(s) shall be informed of out-of-home care provider the child's background/ if such information is available, including, but not limited to, the following histories:

(1) Educational.

1731 (2) Medical.

1732 (3) Placement.

1733 (4) Family.

1734 (5) Behavioral.

174 The foster parent(s) shall be informed of the accessibility of a social worker/

175 The foster parent(s) or group home operator(s) shall be informed of any known or suspected dangerous behavior of the child being placed/

1751 The case record shall include the information specified in sections 30+198/181 through 184/

(1) Provide the out-of-home care provider(s) information of any known or suspected dangerous behavior of the child being placed.

(1) The social worker shall document in the case record any information provided to the out-of-home care provider(s) regarding the child's known or suspected dangerous behavior, including the following:

(a) Date information was provided.

(b) Name of person receiving information.

(c) Specific facts provided.

(d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.

176 (m) The county shall ensure completion of the documentation necessary to initiate AFDC-FC payments, as appropriate.

30+342

183 (n) Assist the parents to understand their rights and responsibilities while their child is in foster care.

(o) Document the reason(s) for the following, when applicable:

(1) The child's transfer to another placement location.

(2) The child's out-of-county or out-of-state placement.

10/118

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507/16501, Welfare and Institutions Code/ California Code of Regulations/ Title 22/ Section 87087(d).

Renumber Section 30-156 to new Section 31-410, Sections 30-154.3, .31, and .32 to new Section 31-410.4 et seq., Section 30-156.33 to new Section 31-410.431, and Sections 30-244.1, .2, and .3 to new Sections 31-401.1, .2, and .3, and amend to read:

30+136

31-410 TEMPORARY PLACEMENT SELECTION

30+136

31-410

30+244

- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 Emergency shelter care services shall be provided as specified in Section 30+136 31-415.

30+134

- .34 When placing selecting a temporary placement for the a child, the social worker shall adhere to the following priority order:

.341 The home of a relative in which the child can be safely placed.

.342 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency or a county-operated emergency shelter care facility.

.343 A licensed group home/ ~~or a county-operated emergency shelter care facility.~~

- 14 If removal is involuntary/ the social worker shall make a determination regarding the necessity for continued detention of the child for the child's protection/

141 Such determination shall be made within the first 48 hours/ excluding nonjudicial days/ of temporary placement/

142 Such determination shall be based upon the existence of one or more of the conditions specified in Welfare and Institutions Code Sections 309121/17 through 181/

HANDBOOK BEGINS HERE

1421 These statutes reference the following conditions/

12Y The minor is in need of proper and effective parental care or control and has no parents/ guardians/ or responsible relative/ or has no parents/ guardians/ or responsible relative willing to or actually exercising this care or control/

HANDBOOK ENDS HERE

12Y Continued detention of the minor is a matter of immediate and urgent necessity for protection of the minor/

HANDBOOK BEGINS HERE

12Y The minor is physically dangerous to the public because of a mental or physical deficiency/ disorder/ or abnormality/

12Y The minor or his parent/ guardian/ or responsible relative is likely to flee the jurisdiction of the court/

12Y The minor has violated an order of the juvenile court/

HANDBOOK ENDS HERE

143 If the determination is made that continued detention is necessary for the child's protection/ a petition shall be filed as specified in Sections 30+152/41 and 1411/

15 The temporary placement services provider shall be informed of any known or suspected dangerous behavior of the child being placed/

30+136

176 .431 The additional selection criteria Group home placements shall be subjected to the additional criteria specified in Sections 30+336/5 through 16/ and 162 through 1623/4/ 31-420.241(a) and (b).

HANDBOOK BEGINS HERE

12 Welfare and Institutions Code Sections 206 and 16314 specify in pertinent part as follows/

121 Persons taken into custody and persons alleged to be within the description of Welfare and Institutions Code/ Section 300/ or persons adjudged to be such and made dependent children of the court pursuant to this chapter solely upon that ground/ shall be provided by the board of supervisors with separate facilities segregated from persons either alleged or adjudged to be wards of the court within the description of Welfare and Institutions Code/ Section/ 501 or 502 except as provided in Section 16314 of the Welfare and Institutions Code/

122 A minor who has been voluntarily placed or adjudged a dependent child of the juvenile court pursuant to Welfare and Institutions Code/ Section 300 may be housed in an emergency shelter or placed in a foster family home with minors adjudicated pursuant to Welfare and Institutions Code/ Section 501/

123 SUCH A MINOR SHALL NOT BE HOUSED IN AN EMERGENCY SHELTER WITH ANY MINOR ADJUDGED A WARD OF THE JUVENILE COURT PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 802.

124 SUCH A MINOR SHALL NOT BE PLACED IN A GROUP HOME OR FOSTER FAMILY HOME WITH ANY MINOR ADJUDGED A WARD OF THE JUVENILE COURT PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTIONS 801 AND 802, UNLESS THE SOCIAL WORKER OR PROBATION OFFICER HAS DETERMINED THAT THE GROUP HOME OR FOSTER FAMILY HOME HAS A PROGRAM THAT MEETS THE SPECIFIC NEEDS OF THE MINOR BEING PLACED, AND THERE IS A COMMONALITY OF NEEDS WITH THE OTHER MINORS IN THE GROUP HOME OR FOSTER HOME.

HANDBOOK ENDS HERE

.15 The selection of a temporary placement location for the child shall be based upon criteria the following needs of the child including, but not limited to the following:

.151 The needs of the child for the least restrictive, most family-like environment.

.152 The child's age and sex.

.153 The child's health and any special needs of diet, medical or psychological care.

.154 The possible need for access to or protection from the child's parent(s)/guardian(s).

.155 The protective needs of the community.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 319(d), 361.2(b), and 16501.1, Welfare and Institutions Code.

Renumber Section 30-158 to new Section 31-415 and amend to read:

30-158
31-415 EMERGENCY SHELTER CARE SERVICES

30-158
31-415

- 11 Emergency shelter care services shall be provided when a child has been taken into custody following his/her voluntary or involuntary removal.
- 111 When a child has been voluntarily removed, such services shall be provided under the following circumstances:
- 1111 The social worker has determined a need exists for temporary placement of the child.
- 1112 The parent(s)/guardian(s) is willing to cooperate in the development and implementation of a service plan.
- 1113 The parent(s)/guardian(s) gives his/her written consent to such placement, as specified in Section 30-154/11.
- 112 When a child has been involuntarily removed, such services shall be provided under the following circumstances:
- 1121 The child has been taken into temporary custody by a peace officer, as specified in Welfare and Institutions Code Section 305.
- 1122 The child is a dependent child taken into temporary custody by a probation officer or social worker, as specified in Welfare and Institutions Code Section 305.
- .21 Provision of emergency shelter care services shall not exceed 15 30 calendar days in any one episode except under the following circumstances: incident that requires removal of the child.
- 121 The county welfare department shall be permitted to extend emergency shelter care services beyond 15 calendar days only if documented justification in the case record has been reviewed and approved in writing by an administrative official higher than a first-level supervisor.
- 122 .11 The county welfare department shall be permitted to provide emergency shelter care services beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
- 1221 .111 Emergency shelter care services are is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
- 1222 .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.

133 .12 The ~~special~~ circumstances permitting extension of emergency shelter care ~~services~~ beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.

.32 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 301 be provided for emergency shelter care ~~services~~ beyond 30 calendar days in any one episode ~~or in a 12-month period~~.

HANDBOOK BEGINS HERE

131 For children eligible for AFDC/FD funding, also refer to Sections 45+202/31 through 472/ and 45+203/4 through 473/

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501(a)(3), Welfare and Institutions Code.

Renumber Section 30-336 to new Section 31-420 and amend to read:

30+336

31-420 FOSTER CARE PLACEMENT SELECTION

30+336

31-420

- .1 The ~~selection of a location for the placement of a child in foster care placement~~ shall be based upon ~~criteria~~ the following needs of the child including, but not limited to the following:

- .11 ~~42 USC 675(5)(A)~~ The least restrictive, most family-like environment.

HANDBOOK BEGINS HERE

1111 This statute specifies that foster care placement shall be in the least restrictive, i.e., most family-like, setting in close proximity to the parent's home, consistent with the best interest and special needs of the child.

HANDBOOK ENDS HERE

- .12 The child's age, sex and cultural background, including ethnic and religious identification.
- .13 Planned parent/guardian-child contacts during the separation, and the specific actions to be taken by the parent(s)/guardian(s) which will facilitate reunification.
- .14 Capability of the foster parent(s) to meet specific needs of the child.
- .15 Appropriateness of attempting to maintain the child in his/her current school.
- .16 The child's health and emotional factors.
- .17 Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When placing a selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
- .21 The home of a relative in which the child can be safely placed.

HANDBOOK BEGINS HERE

1111 When a child is placed under such circumstances, the foster home is exempt from licensure as specified in Health and Safety Code Section 1505.

HANDBOOK ENDS HERE

- .211 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505.
- .22 A licensed foster family home, licensed small family home, or a ~~family home certified by a~~ licensed foster family agency for placement in a family home which has been certified by the foster family agency.
- .23 A family home which has been certified pending licensure.
- .231 No child shall be placed in a family home which has been certified pending licensure unless the case record documents that the child's specific needs assessment documents that the specific needs of the child cannot be met by an available licensed or exempt facility.
- ~~/31~~ (a) Under such circumstances, the placing worker shall complete the requirements specified in Sections ~~307338/21 through~~ 31-445 prior to placement.
- .24 A licensed group home.
- ~~/3~~ .241 Placements in group homes shall be subject to the following additional requirements:
- ~~/31~~ (a) The following conditions shall exist and shall be documented in the ~~assessment~~ case plan:
- ~~/311~~ (1) Placement is necessary to meet the treatment needs of the child.
- ~~/312~~ (2) The group home has a treatment program that meets such treatment needs.
- (b) The social worker shall also document in the case record the reason(s) for the following:
- (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
- (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~10553 and 10507~~ 361.2(b), 361.2(e)(2) and (3), 16501.1(b) and (c), and 16507.5(b), Welfare and Institutions Code; and ~~Section 1502(a)(4)~~ Health and Safety Code Section 275, Civil Code.

Renumber Section 30-436 to new Section 31-425 and amend to read:

~~30-436~~
31-425 PERMANENT PLACEMENT ~~SELECTION~~

~~30-436~~
31-425

- .1 The selection of a permanent placement shall be based upon ~~criteria~~ the following needs of the child including, but not limited to/ ~~the following~~:
- .11 The degree of permanency of the available alternatives.
 - .12 The child's age, sex and cultural background, including ethnic and religious identification.
 - .13 Capability of the ~~foster parent(s)~~ out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.
 - .14 Appropriateness of attempting to maintain the child in his/her current school.
 - .15 The child's health and emotional factors.
 - .16 Anticipated special needs of the child, including but not limited to, transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a permanent placement for the child, the social worker shall ~~have~~ adhered to the priority order specified in Sections ~~30-334/3 through 33~~ 31-201.12(c) (2) (A) through (C).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~16507/3~~ 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code.

Renumber Section 30-364 to new Section 31-430 and Section 30-244.7 to new Section 31-430.2 and amend to read:

30+364

31-430 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS

30+364

31-430

- .1 In addition to the general requirements specified in this chapter other Division 31 regulations, the provisions specified below shall apply to voluntary placements.
- 12 Voluntary placements shall be subject to the provisions of Welfare and Institutions Code Sections 16507.2 and 16507.4(b).

HANDBOOK BEGINS HERE

121 These statutes specify as follows:

1211 Except in the case of a voluntary placement pending relinquishment, prior to entering into a voluntary placement agreement with a parent or guardian, the social worker shall make every attempt to keep the family together by offering appropriate child welfare services.

1212 An out-of-home placement of a minor without adjudication by the juvenile court may occur only when there is a written agreement between the county welfare department and the parent or guardian specifying the terms of the voluntary placement.

HANDBOOK ENDS HERE

- 13 Services shall be authorized only if there is no other resource available and capable of caring for the child.

30+244

- .72 Temporary Voluntary placement of a nondependent child shall occur only when there is a written voluntary placement agreement between the county welfare department, the temporary placement services provider, and the parent(s)/guardian(s) specifying the terms of the temporary voluntary placement pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.

30+364

- .43 The social worker shall be responsible for the following:

.431 Ensuring completion of the Voluntary Placement Agreement-Parent/Agency.

.32 Provide a written statement informing the parent(s)/guardian(s) that he/she may be responsible for a share of the family reunification services costs.

.4233 Assisting the parent(s)/guardian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit by written agreement the scope of the foster parent's/ authority to give parental consent.

143 Providing a written statement informing the parent(s)/guardian(s) of the possibility that a petition may be filed pursuant to Welfare and Institutions Code Section 300.

.434 Ensuring completion of that the computation specified in 17 below of the share of costs is completed pursuant to Welfare and Institutions Code Section 16507.4(a).

15 Voluntary services shall be terminated at the earliest of the following events:

151 Achievement of service objectives.

152 Parent(s)/guardian(s) withdrawal from the program.

153 Expiration of the maximum length of time specified in the service plan.

16 Except as specified in Section 30464, termination of voluntary placements shall also be subject to the provisions of Welfare and Institutions Code Sections 16507.3(a) and (b), and 16507.6.

HANDBOOK BEGINS HERE

161 Welfare and Institutions Code Section 16507.3(a) provides that child welfare services for children placed voluntarily after January 1, 1982 are to be limited to a period not to exceed six months.

162 Welfare and Institutions Code Section 16507.6 provides that the department must meet one of the following requirements if a minor has been voluntarily placed for six consecutive months subsequent to January 1, 1982:

1621 The minor must be returned to the physical custody of his/her parents or guardians.

1622 The minor must be referred to a licensed adoption agency for consideration of adoptive planning and receipt of a permanent relinquishment of care and custody rights from the parents pursuant to Civil Code Section 224(a).

1623 Pursuant to Welfare and Institutions Code Section 332, the department must apply for and file with the juvenile court a petition to have the minor declared a dependent child of the court under Welfare and Institutions Code Section 300.

163 For those children placed voluntarily prior to January 1, 1981, the six-month consecutive time period specified in 163 above shall commence October 1, 1982.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code.

Adopt new Section 31-435 to read:

31-435 OUT-OF-COUNTY AND OUT-OF-STATE PLACEMENT REQUIREMENTS

31-435

- .1 Out-of-county placements shall be subject to the additional criteria specified in Section 31-505.
- .2 Out-of-state placements shall be subject to the additional criteria specified in Section 31-510.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 361.2, Welfare and Institutions Code; and Sections 265 et seq., Civil Code.

Renumber Section 30-348 to new Section 31-440 and Sections 30-454.2 et seq. to new Sections 31-440.3 et seq., and amend to read:

~~30-348~~ NOTIFICATION OF INTENT TO MOVE CHILD
31-440 FOSTER PARENT(S) NOTIFICATION REQUIREMENTS

~~30-348~~
31-440

- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
- .11 The ~~agency~~ county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 above in the written placement agreement with the foster parent(s).
- .111 Waivers shall not exceed six months from the date of placement.
- .112 Waivers shall be considered exceptions used solely to meet unusual individual ~~exigencies~~ needs.
- .2 The ~~agency~~ county shall not be required to provide the notice specified in Section 31-440.1 above if one or more of the following conditions exist:
- .21 The child is in ~~imminent~~ immediate danger.
- .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11 above.
- .23 A court has ordered the child's removal.
- .24 Adverse licensing or certification actions have occurred which prohibit the foster parent(s) from continuing to provide services.
- .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.

~~30-454~~

- .23 For foster parents providing permanent placement services ~~the~~ the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated/ ~~and that the case is being transferred.~~
- .231 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501, Welfare and Institutions Code.

Adopt new Section 31-445, renumber Sections 30-338.2 et seq. to new Sections 31-445.1 et seq. and amend to read:

31-445 CERTIFICATION REQUIREMENTS FOR FOSTER HOMES PENDING LICENSURE

31-445

~~30-338~~

- .Z1 Prior to placement of a child in a family home which is pending licensure, the social worker shall certify that the home meets licensing standards, and shall complete the following additional requirements:
- .Z11 An on-site evaluation of the home shall be conducted. Such evaluation shall include the following:
- .Z111 An assessment of the prospective foster parent'(s) ability and desire to meet the child's specific needs and to participate in planning for the child.
- .Z112 Verification that the home has no safety defects which could pose a hazard to the child, including, but not limited to, the following:
- (a) An unfenced swimming pool if serving a child who is either under six years of age or has a disability.
- (b) Exposed electrical wiring.
- (c) Inoperative plumbing fixtures.
- .Z113 Verification that the home is of sufficient size and adequately furnished to meet the needs of the entire foster family.
- .Z12 Verification shall be obtained that the following have occurred:
- .Z121 An application for a foster family home license has been made.
- .Z122 The application and its supportive documents do not raise a possible license denial issue.
- .Z123 The foster parent agreement has been signed by the foster parent(s).
- .Z124 The foster parent(s) has signed a statement indicating that he/she has never been convicted of, a felony or of a misdemeanor with a fine in excess of \$50 nor is awaiting trial for, any crime other than a minor traffic violation.
- .Z13 The documentation specified in Sections ~~30-338.13~~ 31-420.231 and ~~30-338.183~~ 31-445.12 shall be completed.
- .Z14 The licensing agency shall be notified that a placement is to be made, when the placement is to occur, and its estimated duration.
- .Z15 Written supervisory approval of the placement shall be obtained.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16507.5(b), Welfare and Institutions Code; and Sections 1522 and 1522.05, Health and Safety Code.

Adopt new Chapter 31-500 and Section 31-501 to read:

Chapter 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS

31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
- .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
- .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
- .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

Adopt new Section 31-505; renumber Sections 30-336.6 et seq. to new Sections 31-505.1 et seq. and amend to read:

31-505 OUT-OF-COUNTY PLACEMENTS

31-505

~~30-336~~

.§1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).

HANDBOOK BEGINS HERE

.§11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

HANDBOOK ENDS HERE

.§12 Under such circumstances, the following requirements shall be met:

.§121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section ~~30-336/§23~~ 31-505.123.

(a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.

.§122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued ~~reassessments~~ case plan updates.

.§123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:

(a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.

(b) The receiving county shall provide periodic written reports to the sending county on the child's condition and progress in order to facilitate required ~~reassessments~~ case plan updates.

(c) The receiving county shall concur that the proposed placement meets the child's needs.

(d) The sending county shall provide consultation and advice on the case, as needed.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

Renumber Section 30-366 to new Section 31-510, Section 30-184.2 et seq. to new Section 31-510.48 et seq. and amend to read:

~~30/366~~ ADDITIONAL REQUIREMENTS FOR OUT-OF-STATE PLACEMENTS
~~31-510~~ INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

~~30/366~~
~~31-510~~

.1 (Continued)

.2 (Continued)

.3 (Continued)

.4 (Continued)

~~30/184~~

~~12~~ .48 (Continued)

~~121~~ .481 (Continued)

~~122~~ .482 (Continued)

~~123~~ .483 (Continued)

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~~30/366~~

~~.489~~ (Continued)

~~.4891~~ (Continued)

~~.4892~~ (Continued)

HANDBOOK ENDS HERE

.5 (Continued)

HANDBOOK BEGINS HERE

~~131~~ The following portion of the California Civil Code Section 263 relates to jurisdiction over a placed child:

"The sending agency shall retain the same jurisdiction over matters related to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state. This jurisdiction shall continue until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall include the power to effect or cause the return of the child or transfer the child to another location and custody pursuant to the law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of placement."

HANDBOOK ENDS HERE

.6 (Continued)

.7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 265, Civil Code.

Renumber Sections 30-109 and 30-186 to new Section 31-515, Sections 30-134.13 through .15 to new Sections 31-515.111(a) et seq., and Sections 30-134.16 et seq. to new Sections 31-515.2 et seq. and amend to read:

~~30-186~~ ~~ADDITIONAL REQUIREMENTS FOR THE APPLICATION OF~~
~~THE INDIAN CHILD WELFARE ACT (ICWA).~~

~~30-186~~

~~30-109~~

~~30-109~~

31-515 INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS

31-515

~~30-109~~

.1 When a dependency petition ~~is~~ is initiated by ~~county staff~~ the social
(worker) on behalf of a child who is or may be an Indian child the social
worker shall:

.11 Identify in the petition that the child is or may be an Indian child as
defined by the ICWA.

.111 To make such a determination, the social worker shall ask the
child, his parent or custodian whether the child is or may be a
member of an Indian tribe, or whether the child identifies
himself/herself as a member of a particular Indian organization.

~~30-134~~

~~113~~ ~~Whether the child is or may be an Indian child as defined by the ICWA~~
~~(See Section 30-002.10)~~

~~113~~ (a) When there is any oral or written information which
indicates that the child is or may be an Indian child, the
social worker shall:

(~~1~~) Obtain the name, address, date of birth, and tribal
affiliation of birth parents, grandparents, and great
grandparents.

(~~2~~) Obtain the name and address of tribal governing
organizations.

(~~3~~) Complete Request for Confirmation of Child's Status
as an Indian (SOC 318).

(~~4~~) Obtain a copy or photocopy of the child's state
certified birth certificate.

(~~5~~) Send completed Request for Confirmation of Child's
Status (SOC 318) and the birth certificate to the
Bureau of Indian Affairs (BIA), Attention Tribal
Operations for a determination as to whether or not
the child is an Indian as defined by the ICWA.

HANDBOOK BEGINS HERE

- (11) To insure timely processing of the Request for Confirmation of Child's Status (SOC 318) by the BIA it is important to include detailed family background information for the involved child (names of the tribal bands involved) as well as the tribe, state of birth, as well as date of birth for maternal and paternal great grandparents, maiden names as well as married names, etc./ Documentation should include a copy or photocopy of the child's state certified birth certificate, and a notarized paternity statement if the parents are unmarried and Indian ancestry is to be determined on the paternal side.

HANDBOOK ENDS HERE

- (14) When it is determined that the child is not an Indian child as defined by the ICWA, the worker shall follow the procedures in Sections 30-124 through 30-198, 30-200, 30-300 and 30-400, as appropriate.
- (15) When the child is determined to be an Indian child as defined by the ICWA, the worker shall follow the procedures outlined in Section 30-109 et seq.

30-109.

- .112 If a determination is made that a child is or may be an Indian child as defined by the ICWA after the initial petition is filed with the court, the county shall file an amended petition notifying the court of this determination.
- .12 Give notice to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be sent on Form SOC 319 "Notice of Hearing" and must be received by the Indian child's parent(s) or custodian and tribe no later than 10 days prior to the hearing date.
- (d) .121 When the identity or location of the parent(s), Indian custodian(s), or tribe cannot be determined, notice shall be given to the Secretary of the Interior (Secretary) by registered mail, return receipt requested.
- (1a) Notice to the Secretary shall be mailed to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California, 95825.
- (b) The notice shall include the following information if known:
- (A1) Indian child's name, birthdate, and birthplace.
- (B2) Indian child's tribal affiliation.

(Ø3) Name, birthdate, birthplace and mother's maiden name of the Indian child's parent(s) or Indian custodian(s).

(Ø4) A copy of the petition, complaint, or other document by which the proceeding was initiated.

.122 The Secretary will have 15 days from receipt of notice to provide the required notice in Section ~~30-109.12~~ 31-515.12 to the parent(s), Indian custodian and tribe.

HANDBOOK BEGINS HERE

.1213 A tribe, parent or Indian custodian entitled to notice of the pending of a child custody proceeding has a right, upon request to the court, to be granted an additional ~~twenty~~ 20 days from the date upon which notice was received to prepare for participation in the proceeding.

HANDBOOK ENDS HERE

.13 Document efforts made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful.

.131 It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that, even with reasonable services being provided, such removal is essential to protect the child from serious physical or emotional damage.

(a) Efforts to provide services shall be made subsequent to such emergency removal.

.132 Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.

.14 Present to the court clear and convincing evidence, by qualified expert witnesses in addition to testimony of county ~~welfare~~ staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county ~~welfare department~~ provides the expert witness, the witness shall be:

.141 A person other than the social ~~caseworker~~ who initiated the dependency action and:

- (a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or
- (b) A lay expert witness who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or
- (c) If a person described in Section ~~30-109~~ 31-515.141(a) or (b) is not available a professional person who has substantial education and experience in the area of his or her specialty.

~~30-134~~

~~.132~~ If at the time of the dependency court appearance, no determination has been made regarding the child's status as an Indian child, as defined by the ICWA, the social worker shall:

- ~~.1321~~ Advise the court of all information which indicates that the child may be an Indian child.
- ~~.1322~~ Advise the court of all efforts made to establish the child's status as an Indian child.
- ~~.1323~~ Request direction from the court on how to proceed with the dependency action.
- ~~.1324~~ Continue contacts with the BIA until the question of the child's status as an Indian child, as defined by the ICWA, has been resolved and the resolution is documented in the case record for future reference.

~~30-136~~

~~.13~~ In addition to meeting the general requirements specified in this chapter, the county welfare department shall ensure that applicable The provisions of Sections ~~30-109 et seq.~~ and ~~30-134/13 et seq.~~ 31-515 et seq. are shall be met when a petition for continued detention is filed by the social worker on behalf of an Indian child.

~~30-109~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 25 USCA Section 1901 et. seq.

Renumber Section 30-368 to new Section 31-520 and amend to read:

~~30-368~~ ~~ADDITIONAL REQUIREMENTS FOR~~
~~31-520~~ PLACEMENT OF INDIAN CHILDREN

~~30-368~~
~~31-520~~

- .1 In addition to the placement requirements specified in Chapter 31-400, the following requirements shall also apply when placing Indian children:
- .11 The standards to be applied in Indian child placements shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member maintains social and cultural ties.
- .12 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family.
- .121 Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be as follows:
- .1211 (a) A member of the Indian child's extended family.
- .1212 (b) A foster home approved, specified or licensed by the Indian child's tribe.
- .1213 (c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority.
- .1214 (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- .13 The order of placement preference specified in .1211 Sections 31-520.121(a) through .1214 (d) ~~above~~ shall not override current state licensing regulations.
- .14 Licensure by an Indian child's tribe shall not constitute licensure by the state, nor shall licensure by the state constitute licensure by the Indian child's tribe.
- .32 When an Indian child's parent(s) or Indian custodian voluntarily consents to a foster care placement, the following requirement shall be met:
- .321 The authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C.
- .3211 If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency, and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 calendar days because the relinquishment is not taken within such time period.

- .§22 In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian.
- .§23 For the consent to be valid, it shall be necessary for the judge to certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:
- .§231 The consent may be withdrawn and the child returned to the parent(s) at any time.
- .§232 The placement of the child will be in accordance with the order of placement preference specified in ~~/211~~ Sections 31-520.121(a) through ~~/214~~ (d) above.
- (a) When a consenting parent evidences a desire for anonymity, the agency shall inform the court of the desire and shall request direction from the court in applying the preferences.
- .§233 The return of the child shall be within an agreed-upon time period, ordinarily not to exceed three working days. In no case shall the return of the child require more than seven calendar days following the parent's request.
- .§24 Any consent given prior to or within ten working days of the birth of the Indian child shall not be valid.
- .§241 During such time period, the child shall be provided with necessary child protective services.
- .§3 Requirements regarding case records shall include the following:
- .§31 All Indian child placements shall be clearly documented on the placement history Form SOC 153.
- .§32 Efforts to comply with the placement preference order specified in ~~/211~~ Sections 31-520.121(a) through ~~/214~~ (d) above shall be documented, and any deviations to the order shall be fully explained.
- .§33 The placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 25 USCA Section 1901 et seq.

Adopt new Section 31-525; renumber Section 30-442.5 et seq. to new Section 31-525.1 et seq. and amend to read:

31-525 INDEPENDENT LIVING SKILLS PROGRAM

31-525

~~30-442~~

.§1 For each child in placement, age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment, as appropriate, which will help the child prepare for the transition from foster care to independent living.

/§11 The written transitional independent living plan shall be incorporated into the case plan specified in Section 31-205.47. assessment and service plan specified in Sections 30-432 and 30-434/

.111 If employment is part of the written transitional independent living plan the case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.

/§12 .12 Independent living services shall be provided, as appropriate, based on the written transitional independent living plan.

/§13 .13 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.

.§14 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).

.§15 When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

HANDBOOK BEGINS HERE

.§151 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

/§§2 Welfare and Institutions Code Sections 11008/13 and 11155/5 specify in part/

(a) The case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills/ work habits/ and the responsibilities of maintaining employment/

- (b) A child participating in the Independent Living Program (ILP) may retain any cash savings/ including interest accumulated/ if it is part of his/her independent living case plan/
- (c) The cash savings of a child accumulated through participation in the ILP shall be his/her own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation/
- (d) The cash savings of a child accumulated through participation in the ILP shall be used for purposes directly related to the emancipation of that child/
- (e) The cash savings of a child accumulated through participation in the ILP shall be kept separate from other types and sources of cash savings/
- (f) The withdrawal of cash savings of a child accumulated through participation in the ILP shall require the written approval of the child's social worker or probation officer and shall be directly related to that child's emancipation/

HANDBOOK ENDS HERE

- .§16 If transitional independent living services are not appropriate, the social worker shall document in the case record plan the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.
- .§17 The written transitional independent living plan shall be in place as specified in Sections 30-442/§ 31-525.11 through /§§ .15; however, services shall be subject to the continued availability of federal independent living funds.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677.

Repeal Chapter 30-100 title and Sections 30-110, 30-130, 30-140, 30-142, 30-144, 30-150, 30-152, 30-160, 30-170, 30-174, 30-176, 30-180, 30-184, and 30-190:

~~30-100 SERVICE PROGRAM NO. 2: EMERGENCY RESPONSE~~

~~30-110 ELIGIBILITY~~

30-110

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- ~~.1 Emergency response services shall be available as specified in Welfare and Institutions Code Section 16504.~~

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- ~~.11 This statute specifies as follows:~~

- ~~.111 Any child reported to the county to be endangered by abuse, neglect, or exploitation shall be eligible for initial intake and assessment services.~~

~~HANDBOOK ENDS HERE~~

- ~~.2 If a child who is the subject of an emergency response referral is already receiving family maintenance, family reunification, or permanent placement services, the county shall be permitted to transfer the child's case to the Emergency Response Program for purposes of providing initial intake and assessment services.~~

- ~~.3 Renumbered to new Section 31-010.2.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16504, Welfare and Institutions Code.

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~~30-130 REQUIREMENTS FOR EMERGENCY RESPONSE~~

30-130

- ~~.1 The requirements specified in Sections 30-132 and 30-134 shall be met when a child is referred to the emergency response program.~~

~~30-140 REQUIREMENTS FOR SERVICE PROVISION~~

30-140

- ~~.1 The requirements specified in Sections 30-142 and 30-144 shall be met whenever emergency response services are to be continued beyond the initial evaluation specified in Section 30-134.~~

30-142 ASSESSMENT

30-142

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- .1 An assessment shall be completed for each child prior to the development of a service plan.
- .2 The assessment shall include the information specified in Sections 30-198.131(a) through (f).
- .3 The county welfare department shall be permitted to fully or partially comply with the requirements specified in .2 above by means of the following:
 - .31 Use of an update of any written report prepared by a county welfare department social worker regarding the initial evaluation specified in Section 30-134.
 - .32 Use of a court report prepared by a county welfare department social worker.
 - .33 Combining the assessment with the service plan specified in Section 30-144 as one document, provided that the assessment and service plan are each readily identifiable as such; and the combined document contains all of the necessary components of both the assessment and the service plan.
 - .34 Completion of a single assessment for the family, provided that needs are individually identified for each child for whom services are to be continued beyond the initial evaluation specified in Section 30-134.

30-144 SERVICE PLAN

30-144

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- .1 Renumbered to new Section 31-101.5.
- .2 The service plan shall include the information specified in Section 30-198.141.
- .3 A service plan shall be completed if any additional child welfare services are provided after the initial evaluation.
- .4 The county shall be permitted to comply fully or partially with the requirements specified in Section 30-144.2 by means of the following:
 - .41 Use of a court report prepared by a county welfare department social worker.

.42 Combining the service plan with the assessment specified in Section 30-142, provided that the assessment and service plan are each readily identifiable as such; and the combined document contains all of the necessary components of both the assessment and the service plan.

.43 Renumbered to new Section 31-205.51.

.5 The service plan shall have signed and dated, written approval of the emergency response social worker's supervisor within twenty-one calendar days of the initial response.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(a) and 16504.1, Welfare and Institutions Code.

30-150 PROGRAM REQUIREMENTS

30-150

.1 The requirements specified in Sections 30-152 through 30-158 shall be met when the following emergency response services are provided:

.11 Temporary in-home caretaker.

.12 Temporary placement.

30-152 TEMPORARY IN-HOME CARETAKER SERVICES

30-152

.1 When providing temporary in-home caretaker services, the county welfare department shall document in the case record that the following criteria have been met:

.11 The social worker has determined the following:

.111 A temporary in-home caretaker could function in the parenting role until the parent(s)/guardian(s) is able to regain or maintain care and control of the child.

.112 Temporary placement of the child would be detrimental to him/her.

.12 Such determination has been reviewed, and approved in writing, by an administrative official higher than a first-level supervisor.

.2 Temporary in-home caretaker services provided as a component of preplacement preventive services shall not exceed 14 calendar days in any six-month period, except as specified in .21 through .212 below.

.21 The county welfare department shall be permitted to extend such services to a period not to exceed 30 calendar days only if the following criteria are met and are documented in the case record:

.211 It is in the child's best interest that he/she continue to be maintained in his/her own home through the provision of temporary in-home caretaker service.

.212 Written approval has been obtained from an administrative official higher than a first-level supervisor.

30-160 REQUIREMENTS DURING SERVICE PROVISIONS

30-160

.1 The requirements specified in Section 30-162 shall be met when the child or family is receiving emergency response services.

30-170 CASE TRANSFER AND TERMINATION

30-170

.1 The requirements specified in Section .11 through .14 below, and in Sections 30-172 through 30-176, shall be met when the child's case is transferred to another child welfare services program, or when the child's case is terminated.

.11 The case shall be closed or transferred to another service program within 5 calendar days of completion of the services and activities specified in the service plan unless adjudication and/or disposition of the case is pending.

.111 A case pending adjudication and/or disposition shall remain in the emergency response program, except as specified in Sections 30-174.1 and .13.

.112 An adjudicated case shall be closed or transferred to another service program within five calendar days of the date of disposition.

.12 Renumbered to new Section 31-201.121(a).

.13 The social worker shall document in the case record the reason(s) for the recommendation to transfer or terminate the case.

.14 All recommendations for case transfer or termination shall have written supervisory approval.

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- .1 The child's case shall be transferred to the Family Reunification or Permanent Placement Program, as provided in Sections 30-174.2 and .3, under any of the following circumstances:
- .11 The child has been adjudicated a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that the child be placed in foster care.
- .111 The transfer-out date under such circumstances shall be the date of the hearing at which family reunification or permanent placement services are ordered.
- .12 In a county which accepts voluntary foster care placements, the social worker has determined that emergency response or family maintenance services are not adequate to meet the protective needs of the child; and the parent(s)/guardian(s) has voluntarily requested foster care for the child.
- .121 The transfer-out date under such circumstances shall be the date on which the emergency response social worker's supervisor approves the Emergency Response Program service plan recommending transfer of the child's case to the Family Reunification Program.
- .13 The social worker has determined that emergency response or family maintenance services are not adequate to meet the protective needs of the child, and family reunification services are to be provided pending adjudication.
- .131 The transfer-out date under such circumstances shall be the date on which the emergency response social worker's supervisor approves the Emergency Response Program service plan recommending transfer of the child's case to the Family Reunification Program.
- .14 The child has been removed from the home, but the court has determined that family reunification services shall not be provided due to one or more of the circumstances specified in Sections 30-174.141(a) through (e).
- .141 Renumbered to new Sections 31-201.121(c)(1)(A) through (E).
- .2 Transfer to the family reunification program shall be considered when there are no feasible means, available or acceptable to the parent(s)/ guardian(s), of maintaining the child safely with the parent(s)/ guardian(s).
- .3 Renumbered to new Section 31-201.121(c).

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4 All of the requirements specified in Section 30-170 shall be met:

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(a), 16501.2 and 16501.3, Welfare and Institutions Code.

30-176 CASE TERMINATION

30-176

- .1 Emergency response services shall terminate under either of the following circumstances:
 - .11 Renumbered to new Section 31-084.42.
 - .12 A petition for detention and/or jurisdiction has not been filed, and the parent(s)/guardian(s) has not consented to a program of supervision of the child as specified in Section 30-172.13.
- .2 Upon case termination, if the child has been detained, he/she shall be returned to the physical custody of his/her parent(s)/guardian(s).
- .3 Upon case termination, the child's case record shall be closed.

30-180 SPECIAL PROVISIONS

30-180

- .1 The provisions of Sections 30-182 through 30-186 shall be met when applicable to any child or family receiving emergency response services.

30-184 ADDITIONAL REQUIREMENTS FOR APPLICATION OF THE
INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

30-184

- .1 In addition to meeting the general requirements specified in this chapter, the county welfare department shall ensure that applicable provisions of Section 30-366 are met when emergency response services are provided to a child or family and the child is under the jurisdiction of the Interstate Compact on the Placement of Children.
- .2 Renumbered to new Section 31-510.48.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10800, Welfare and Institutions Code; and Section 265, Civil Code.

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- ~~.1 The requirements specified in Sections 30-192 through 30-198 shall be met by the county welfare department in the administration of the emergency response program.~~

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Repeal Chapter 30-200 title and Sections 30-200, 30-210, 30-230, 30-232, 30-234, 30-240, 30-242, 30-244, 30-246, 30-250, 30-254, 30-256, 30-260, 30-262, 30-270, 30-272, 30-274, and 30-276:

~~CHAPTER 30-200 FAMILY MAINTENANCE~~

~~30-200 GENERAL~~

30-200

- ~~.1 The provisions of this chapter shall apply whenever family maintenance services are provided, as a component of preplacement preventive services, to a child and his/her family pursuant to a court order, or when a child and his/her parent(s)/guardian(s) participate voluntarily and the child remains with his/her own family.~~

~~30-210 ELIGIBILITY~~

30-210

- ~~.1 Family maintenance services shall be available as specified in Welfare and Institutions Code Section 16506.~~

HANDBOOK BEGINS HERE

- ~~.11 This statute specifies as follows:~~

- ~~.111 Family maintenance services shall be provided or arranged for by county welfare department staff in order to maintain the child in his or her own home. Such services shall be limited to six months, and may be extended for two three-month periods if it can be shown that the objectives of the service plan can be achieved within the extended time periods. Family maintenance services shall be available without regard to income and shall only be provided to either of the following:~~

- ~~(a) Families whose child has been adjudicated a dependent of the court under (Welfare and Institutions Code) Section 300, and where the court has ordered the county welfare department to supervise while the child remains in the child's own home.~~
- ~~(b) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's own home only with the provisions of services.~~
- ~~(c) Families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court.~~

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30-230 REQUIREMENTS FOR SERVICE PROVISION

30-230

- .1 The requirements specified in Section 30-232 and 30-234 shall be met for each child receiving family maintenance services.

30-232 ASSESSMENT

30-232

- .1 An assessment for each child transferred to the family maintenance program shall be completed prior to the implementation of a service plan.
- .2 The assessment shall include the information specified in Sections 30-276.131(a) through (e).
- .3 The county welfare department shall be permitted to fully or partially comply with the requirements specified in .2 above by means of the following:
- .31 Use of an update of a previous assessment completed for this or another child welfare services program.
- .32 In cases in which the court has ordered the county welfare department to supervise a court dependent while the child remains in the child's own home, use of a court report prepared by a county welfare department social worker.
- .33 Combining the assessment with the service plan specified in Section 30-234 as one document, provided that the assessment and service plan are each readily identifiable as such; and the combined document contains all of the necessary components of both the assessment and the service plan.
- .34 Completion of a single assessment for the family, provided that needs are individually identified for each child receiving family maintenance services.

30-234 SERVICE PLAN

30-234

- .1 A service plan shall be developed based upon the assessment. The Family Maintenance Program service plan shall be developed and initiated within 37 calendar days after the date on which the child's case is transferred to the Family Maintenance Program.
- .11 The transfer-in date for court-ordered cases shall be the date of the hearing at which family maintenance services are ordered.
- .12 The transfer-in date for voluntary cases shall be the date on which the emergency response or family reunification social worker's supervisor approves the Emergency Response or Family Reunification Program service plan recommending transfer of the child's case to the Family Maintenance Program.

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- ~~.2 The service plan shall include the information specified in Sections 30-276.141(a) through (c).~~
- ~~.3 The county welfare department shall be permitted to fully or partially comply with the requirements specified in .2 above by means of the following:~~
- ~~.31 Use of a court report prepared by a county welfare department social worker.~~
 - ~~.32 Combining the service plan with the assessment specified in Section 30-232, provided that the assessment and service plan are readily identifiable as such; and the combined document contains all of the necessary components of both the assessment and the service plan.~~
 - ~~.33 Completion of a single service plan for the family, provided that necessary services are individually identified for each child receiving family maintenance services.~~
- ~~.4 Renumbered to new Sections 31-210.12 and .13.~~
- ~~.5 All initial service plans shall have signed and dated, written approval of the family maintenance social worker's supervisor within the 37-calendar day time frame specified for completion of the plan. The supervisor's approval shall document the following:~~
- ~~.51 The appropriateness of having an open case, including eligibility and need for services.~~
 - ~~.52 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.~~
 - ~~.53 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b), 16506, and 16506.1, Welfare and Institutions Code.

30-240 PROGRAM REQUIREMENTS

30-240

- ~~.1 The requirements specified in Sections 30-242 through 30-246 shall be met when providing temporary services, which shall include only the following:~~
- ~~.11 Temporary in-home caretaker.~~
 - ~~.12 Temporary placement.~~

~~30-242 TEMPORARY IN-HOME CARETAKER SERVICES~~

30-242

- ~~.1 The requirements specified in Section 30-152 shall be met when providing temporary in-home caretaker services.~~

~~30-244 TEMPORARY PLACEMENT SERVICES~~

30-244

- ~~.1 Renumbered to new Section 31-410.1.~~
- ~~.2 Renumbered to new Section 31-410.2.~~
- ~~.3 Renumbered to new Section 31-410.3.~~
- ~~.4 Renumbered to new Sections 31-315.4(j) (1), (2), and (3).~~
- ~~.5 Renumbered to new Section 31-401.1.~~
- ~~.6 Emergency shelter care and out-of-home respite care services providers shall be informed of any known or suspected dangerous behavior of the child being temporarily placed.~~
- ~~.7 Renumbered to new Section 31-430.2.~~

~~Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.~~

~~Reference: Section 16506.1, Welfare and Institutions Code.~~

~~30-246 TEMPORARY PLACEMENT SELECTION~~

30-246

- ~~.1 The social worker shall meet the requirements specified in Section 30-156 when selecting a location for temporary placement.~~

~~30-250 REQUIREMENTS DURING SERVICE PROVISION~~

30-250

- ~~.1 The requirements specified in Sections 30-252 through 30-256 shall be met while the child or family is receiving family maintenance services.~~

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30-254 REASSESSMENTS

30-254

- .1 Reassessments shall be completed as often as necessary, but no less frequently than once every three months.
- .2 Renumbered to new Section 31-225.1.
- .3 A verbal or written reassessment summary which includes the following information shall be given to the parent(s)/guardian(s) whenever a reassessment is completed:
 - .31 Case progress.
 - .32 Problems.
 - .33 Service plan status.
- .4 The county welfare department shall be permitted to use a court report prepared by a county welfare department social worker to fully or partially comply with the requirements specified in .2 through .33 above.

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30-256 MODIFICATIONS TO SERVICE PLAN

30-256

- .1 If it is determined, as a result of the reassessment specified in Section 30-254, that the current service plan no longer meets the child's needs, the following requirements shall be met:
 - .11 The plan shall be modified to assure achievement of service objectives.
 - .12 The plan shall continue to include the information specified in Sections 30-276.141(a) through (c).
 - .13 A new service plan shall be signed by the social worker and the parent(s)/guardian(s) as specified in Sections 30-234.4 through .421.

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30-260 CASE TRANSFER AND TERMINATION

30-260

- .1 The requirements specified in Sections 30-262 and 30-264 shall be met when the child's case is transferred to the family reunification program or the permanent placement program, or when the child's case is terminated.

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- .1 The social worker shall recommend to the court that the child's case be transferred to the Family Reunification or Permanent Placement Program under any of the following circumstances:
 - .11 Family maintenance services have been unsuccessful, and the child will be endangered unless removed from the home.
 - .111 The transfer-out date under such circumstances shall be the date of the hearing at which family reunification or permanent placement services are ordered.
 - .12 The time limit for voluntary family maintenance services has expired, and the child will be endangered unless removed from the home.
 - .121 Under such circumstances, the social worker shall petition the court to declare the child a dependent. The transfer-out date shall be the date of the hearing at which family reunification or permanent placement services are ordered.
- .2 When recommending to the court that a case be transferred to the family reunification or permanent placement program, the social worker shall adhere to the following priority order:
 - .21 Renumbered to new Section 31-201.121(b).
 - .22 The child's case shall be transferred to the permanent placement program only if one of the following circumstances exists:
 - .221 The parent(s)/guardian(s) has voluntarily consented to the transfer and agrees in writing to consider relinquishing parental rights.
 - .222 The transfer is occurring pursuant to a juvenile court order to seek a permanent placement of the child other than with the child's parent(s)/guardian(s).
- .3 When recommending to the court that a case be transferred to the family reunification or permanent placement program, the social worker shall give the parent(s)/guardian(s) written notice explaining the reason(s) for the recommendation.
 - .31 The county welfare department shall be permitted to use a copy of the court report for purposes of notifying the parent(s)/guardian(s) if appropriate.
- .4 The social worker shall document in the case record the reason(s) for the recommendation to transfer the case.
- .5 The recommendation for case transfer shall have written supervisory approval.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.1(b), 16501.2 and 16591.3, Welfare and Institutions Code.

30-270 PROGRAM ADMINISTRATION

30-270

- .1 The requirements specified in Sections 30-272 through 30-276 shall be met by the county welfare department in the administration of the family maintenance program.

30-272 GENERAL ADMINISTRATIVE REQUIREMENTS

30-272

- .1 Family maintenance staff shall meet the requirements for emergency response staff specified in Sections 30-196.1 through .14.

30-274 PROGRAM SUPPORT ACTIVITIES

30-274

- .1 The county welfare department shall perform the program support activity specified in Section 30-192.45.

30-276 CASE RECORDS

30-276

- .1 The county shall develop and maintain a current record for each Family Maintenance Program case. Such case record shall contain at least the following information:
- .11 A face sheet with identification information regarding the child; family; and temporary placement services provider, if any.
- .12 Documentation of contacts with or regarding the child or family.
- .13 The assessment specified in Section 30-232.
- .131 There shall be a readily identifiable assessment in the case record for each child, and the assessment shall include the following information:
- (a) A description of relevant social, cultural, psychological, and physical factors relating to the following:
- (1) The child.
- (2) The child's parent(s)/guardian(s) or person(s) serving in that role.

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(3) Other significant persons, including siblings, who are known to reside in the home.

(b) A description of the following:

(1) Specific problems.

(2) Probable causes of those problems which require intervention.

(3) Renumbered to new Section 31-205.13.

(c) Identification of any social services previously offered and/or delivered to the child or family, and the result of such services.

(d) Identification of need, if any, for the provision of temporary in-home caretaker services.

(e) Identification of need, if any, for the provision of extended emergency shelter care services.

.14 Renumbered to new Sections 31-205.31, .321, and .33.

.15 Renumbered to new Sections 31-225.13, 131, .132, .14, and .141.

.16 Copies of the following:

.161 Any data or documents, relating to the child or family, which have been received or sent by the county welfare department.

.162 Any services application documents.

.163 Any information release(s) signed by the parent(s)/guardian(s) and/or child.

.164 Medical and dental reports, if appropriate.

.165 Any written parent/guardian consents required by the regulations in this chapter.

.166 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

.17 Renumbered to new Section 31-075.3(o)(6).

.18 Documentation of reason(s) for the following, when applicable:

.181 The child's transfer to another temporary placement location.

.182 The child's out-of-county placement.

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.183 The child's placement in a group home as specified in Section 30-376.184.

.184 The child's transfer to another child welfare services program.

.19 Documentation of any information provided to the temporary placement services provider regarding the child's known or suspected dangerous behavior, as specified in Sections 30-198.181 through .184.

.2 Case records for children with histories of juvenile court involvement as actual or potential dependents shall contain the following additional information:

.21 Copies of all documents submitted to the court, including petitions and court reports.

.22 All documents received from the court.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code and 45 CFR 1356.21(d).

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Repeal Chapter 30-300 title and Sections 30-300, 30-310, 30-320, 30-332, 30-334, 30-340, 30-342, 30-344, 30-346, 30-350, 30-360, 30-370, 30-372, 30-374, 30-376, and 30-390:

~~CHAPTER 30-300 SERVICE PROGRAM NO. 4: FAMILY REUNIFICATION~~

~~30-300 GENERAL~~

30-300

- ~~.1 The provisions of this chapter shall apply whenever family reunification program services are provided to families pursuant to court orders or when children are placed voluntarily in foster care.~~
- ~~.2 The following special provisions shall also apply:~~
 - ~~.21 Voluntary placements shall be subject to the additional provisions of Section 30-364.~~
 - ~~.22 Out-of-state placements shall be subject to the additional provisions of Section 30-366.~~
 - ~~.23 Placements of Indian children shall be governed by the additional provisions of Section 30-368.~~

~~30-310 ELIGIBILITY~~

30-310

- ~~.1 Family Reunification Services shall be available as specified in Welfare and Institutions Code Sections 16507 and 16507.4.~~

~~HANDBOOK BEGINS HERE~~

- ~~.11 These Statutes specify the following:~~
 - ~~.111 Such services shall be available without regard to income to any family whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Welfare and Institutions Code Section 300. These services shall not exceed 12 months except as provided in Welfare and Institutions Code Section 361.5(a). Services may be extended for up to an additional six months by court order if it can be shown that the objectives of the service plan can be achieved within the extended period. Family Reunification Services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court.~~

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.112 Voluntary family reunification services shall be provided without fee to families who qualify, or would qualify if application had been made therefore, as recipients of public assistance under the Aid to Families with Dependent Children program. If the family is not qualified for such aid, voluntary family reunification services may be utilized, provided that the county seeks reimbursement from the parent or guardian on a statewide sliding scale according to income.

.113 Family reunification shall only be provided when a child has been placed in out-of-home care or is in the care of a previously noncustodial parent under the supervision of the juvenile court.

.114 When a minor has been placed in foster care with a nonparent, family reunification services may be provided to one or both parents.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

30-320 SERVICE-FUNDED ACTIVITIES

30-320

.1 The service-funded activities which shall be available to all children and their families receiving family reunification program services shall include the following:

- .11 Counseling.
- .12 Emergency shelter care.
- .13 Teaching and demonstrating homemakers.
- .14 Parent training.
- .15 Transportation.

.2 Additional services shall be provided only with prior department approval.

30-332 ASSESSMENT

30-332

.1 An assessment shall be completed for each child prior to development of a service plan.

.2 The assessment shall include the information specified in Sections 30-376.13 through .131(h).

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.21 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .2 above.

.22 The county shall be permitted to use an assessment which is an update of a previous assessment completed for this or another child welfare services program, provided that all of the requirements specified in Sections 30-376.131 through .131(h) are met.

30-334 SERVICE PLAN

30-334

.1 A service plan shall be developed based upon the assessment. The Family Reunification Program service plan shall be developed and initiated within 37 calendar days after the date on which the child's case is transferred to the Family Reunification Program.

.11 The transfer-in date for court-ordered cases shall be the date of the hearing at which family reunification services are ordered.

.12 The transfer-in date for voluntary cases shall be the date on which the emergency response or family maintenance social worker's supervisor approves the Emergency Response Program or Family Maintenance Program service plan recommending transfer of the child's case to the Family Reunification Program.

.13 Notwithstanding the provisions specified in .1 above, the eligibility of AFDC-FC children shall be governed by the provisions of Welfare and Institutions Code Section 11404(b)(3).

.131 This statute specifies as follows:

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(a) The agency with responsibility for the child's placement and care must...develop a case plan for the child within 30 days of placement.

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.2 The service plan shall include the information specified in Sections 30-376.141 through .141(d).

.21 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .2 above.

.3 Upon completion of the plan, the social worker shall:

.31 Explain the purpose and content of the plan to the parent(s)/guardian(s).

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- .32 Request the parent(s)/guardian(s) to sign the plan as an indication of plan approval and willingness to participate in service activities.
- .33 If unable to obtain the parent'(s)/guardian'(s) signature as specified in .32 above, document in the case record the reason(s) for the parent'(s)/guardian'(s) failure to sign.
- .4 All initial service plans shall have signed and dated, written approval of the family reunification social worker's supervisor within the 37-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:
 - .41 The appropriateness of having an open case, including eligibility and need for services.
 - .42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.
 - .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404(b)(3), 16501.2, 16507, and 16507.1, Welfare and Institutions Code.

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30-340 REQUIREMENTS DURING PLACEMENT

30-340

- .1 The requirements specified in Sections 30-342 through 30-348 shall be met while the child is in placement.

30-342 PLACEMENT CASE MANAGEMENT

30-342

- .1 The social worker, or other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of placement unless the child is placed out of state.
- .2 Renumbered to new Section 31-405.1(e).
- .3 Renumbered to new Section 31-320.4.
 - .31 Renumbered to new Section 31-320.41 et seq.

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- .32 Arrange for face-to-face contact between child and parent(s)/guardian(s) at least monthly in order to achieve reunification unless the case record contains documentation and supervisorial approval justifying less frequent contacts.
- .321 If the child has been removed pursuant to a finding of "severe physical abuse" as provided for in Welfare and Institutions Code Section 361(b)(5), such contact shall not include unsupervised visits or trial placements.
- .33 Counsel the child, in an age-appropriate manner, to understand the reason(s) for foster placement; and to handle associated emotional problems.
- .34 Renumbered to new Section 31-405.1(d).
- .35 Renumbered to new Section 31-205.46 et seq.
- .36 Ensure that the child has necessary clothing.
- .4 The requirements specified in .31 through .311(d) shall not apply when the child is placed out of state.
- .5 For each child in placement age 16 or older, the social worker shall develop a written transitional independent living plan which describes the programs and services, including employment as appropriate, which will help the child prepare for the transition from foster care to independent living.
- .51 The written transitional independent living plan shall be incorporated into the assessment and service plan specified in Sections 30-332 and 30-334.
- .52 A copy of the written transitional independent living plan shall be provided to each child receiving independent living services.
- .53 Independent living services shall be provided as appropriate, based on the written transitional independent living plan.
- .54 The case record shall include any written authorization by the social worker or probation officer for withdrawal of cash savings, for purposes of emancipation, acquired through participation in the Independent Living Program (ILP).
- .55 When income and incentive payments are earned as part of the written transitional independent living plan, the requirements of Welfare and Institutions Code Sections 11008.15 and 11155.5 shall also apply.

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- .551 Examples of incentive payments are cash, not to exceed \$600 annually, and/or household items, such as, pots and pans, linens, kitchen utensils, or other items to help the child in later establishing a household.

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.552 Welfare and Institutions Code Sections 11008.15 and 11155.5 specify in part:

- (a) The case plan must state that the purpose of employment is to enable the child to gain knowledge of needed work skills, work habits, and the responsibilities of maintaining employment.
- (b) A child participating in the Independent Living Program (ILP) may retain any cash savings, including interest accumulated, if it is part of his/her independent living case plan.
- (c) The cash savings of a child accumulated through participation in the ILP shall be his/her own money and shall be deposited by the child or on behalf of the child in any bank or savings and loan institution whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- (d) The cash savings of a child accumulated through participation in the ILP shall be used for purposes directly related to the emancipation of that child.
- (e) The cash savings of a child accumulated through participation in the ILP shall be kept separate from other types and sources of cash savings.
- (f) The withdrawal of cash savings of a child accumulated through participation in the ILP shall require the written approval of the child's social worker or probation officer and shall be directly related to the goal of emancipation.

HANDBOOK ENDS HERE

.56 If transitional independent living services are not appropriate, the social worker shall document in the case record the reason(s) why they are not appropriate. These services shall be inappropriate only if the child is physically or mentally not able to benefit from such services.

.57 The written transitional independent living plan shall be in place as specified in Sections 30-342.5 through .55; however, services shall be subject to the continued availability of federal independent living funds.

.6 Renumbered to new Section 31-325.3.

.61 Renumbered to new Sections 31-325.3 et seq.

.62 Renumbered to new Sections 31-325.3 et seq.

.63 Renumbered to new Section 31-405.1(n).

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Renumbered to new Section 31-330.2.

.71 Renumbered to new Section 31-330.21.

.72 Renumbered to new Section 31-405.1(i).

.73 Renumbered to new Section 31-405.1(j).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Sections 675 and 677 and Sections 11008.15, 11155.5, 16507 and 16507.1, Welfare and Institutions Code.

30-344 REASSESSMENT

30-344

- .1 Reassessments shall be completed as often as necessary, but no less frequently than every six months.
- .2 Each reassessment shall include the information specified in Sections 30-376.151 through 151(d).
 - .21 The county shall be permitted to use the court report prepared by the worker to comply fully or partially with the above requirement specified in .2 above.
- .3 A verbal and written reassessment summary which includes the following information shall be given to the parent(s)/guardian(s) whenever a reassessment is completed:
 - .31 Case progress.
 - .32 Problems.
 - .33 Service plan status.
- .4 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .3 through .33 above.

30-346 MODIFICATIONS TO SERVICE PLAN

30-346

- .1 If it is determined, as a result of the reassessment specified in Section 30-344, that the current service plan no longer meets the child's needs, the following requirements shall be met:
 - .11 The plan shall be modified, but shall continue to include the information specified in Sections 30-376.141 through .141(d).

- .12 The social worker shall perform the activities specified in Sections 30-334.3 through .321.

30-350 REQUIREMENTS AFTER PLACEMENT

30-350

- .1 Applicable requirements specified in Sections 30-354 through 30-358 shall be met when a child is returned home from placement, when services to the child are terminated.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.2, Welfare and Institutions Code.

30-360 SPECIAL PROVISIONS

30-360

- .1 The provisions of Sections 30-362 through 30-368 shall be met when applicable to any family receiving family reunification services.

30-370 PROGRAM ADMINISTRATION

30-370

1. The requirements specified in Sections 30-372 through 30-378 shall be met by the county welfare department in the administration of the family reunification program.

30-372 GENERAL ADMINISTRATIVE REQUIREMENTS (Reserved)

30-372

30-374 PROGRAM SUPPORT ACTIVITIES

30-374

- .1 The county welfare department shall perform the following program support activities:
- .11 Renumbered to new Section 31-005.12.
 - .12 Development of knowledge of the programs and policies of available foster care facilities to ensure their appropriate use by placement staff.
 - .13 Renumbered to new Sections 31-005.15 et seq.
 - .14 Encouragement of community planning to meet foster children's needs by performance of the following activities:

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.141 Delineation of such needs.

.142 Encouragement and assistance in developing and expanding the following in the community:

- (a) Services which improve parental effectiveness and reduce the need for foster care.
- (b) Facilities which can provide care, supervision, and reduce the need for foster care.
- (c) Services and activities which are beneficial to foster children.

.15 Utilization of volunteers as specified in Welfare and Institutions Code Section 16501.

HANDBOOK BEGINS HERE

.151 This statute specifies as follows:

- (a) Any county may use volunteer individuals to supplement professional child welfare services in the areas of transportation, respite care, and emergency foster care, provided all volunteers agree to be subject to the State Department of Social Services regulations.

HANDBOOK ENDS HERE

30-376 CASE RECORDS

30-376

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.1 The county shall develop and maintain a current record for each Family Reunification Program case. Such case record shall contain at least the following information:

- .11 A face sheet with family, child, and foster care provider identification information.
- .12 Documentation of contacts with or regarding the child or family.
- .13 The assessment specified in Section 30-332.

.131 There shall be a readily identifiable assessment in the case record for each child and the assessment shall include the following information:

- (a) A description of relevant social, cultural, psychological, and physical factors relating to the following:
 - (1) The child.

- (2) The child's parent(s)/guardian(s) or person(s) serving in that role.
- (3) Other significant family members, including children, siblings, and others living in the home.
- (b) A description of the following:
 - (1) Specific problems.
 - (2) Probable causes of those problems which require intervention.
 - (3) Family strengths which could aid in problem resolution.
- (c) Renumbered to new Section 31-205.16.
- (d) Identification of previous social services offered and/or delivered to the child and family, and result of such services.
- (e) Identification of need, if any, for preventive health services through the Child Health and Disability Prevention (CHDP) program.
- (f) If the child is a parent, identification of any special needs of the child with regard to his/her role as a parent.
- (g) For group home placements, the additional information specified in Sections 30-336.51 through .512.
- (h) Projected family reunification date.
- .14 The initial and modified service plans specified in Sections 30-334 and 30-346.
- .141 There shall be a readily identifiable service plan in the case record which includes information for each child and the service plan shall include the following information:
 - (a) Measurable, time-limited objectives based on the problems and family strengths identified in the assessment.
 - (b) Service activities and resources to be used in objective achievement, including specific descriptions of the responsibilities of county welfare department staff, other individuals, and community agencies.
 - (c) Renumbered to new Section 31-205.43.
 - (d) The descriptions specified in 42 USC 675(1).

HANDBOOK BEGINS HERE

- (1) This statute requires inclusion of the following in the services plan:

- (A) A description of the type of home or institution in which a child is to be placed, including a discussion of the appropriateness of the placement.
- (B) A description of the way in which the agency responsible for the child plans to carry out the judicial determination made with respect to the child.

HANDBOOK ENDS HERE

.15 The reassessments specified in Section 30-344.

.151 There shall be a current readily identifiable reassessment in the case record which includes information for each child who has been in the Family Reunification Program for six months or longer and the reassessment shall include the following information:

- (a) A description of the degree of parent/guardian compliance with the written services agreement, including the following:
- (b) Renumbered to new Sections 31-225.133 et seq.
- (c) An evaluation of service plan adequacy and continued appropriateness.
- (d) An evaluation of the need for an alternative plan to reunification, including documentation of joint assessment with adoption staff, if applicable.
- (e) Documentation that the social worker has provided the parent(s)/guardian(s) with the summary specified in Sections 30-344.3 through .33.

.16 Renumbered to new Section 31-075.3(m).

.161 Renumbered to new Section 31-075.3(m).

.162 Renumbered to new Section 31-075.3(m).

.163 Renumbered to new Section 31-075.3(m).

.164 Renumbered to new Section 31-075.3(m).

.165 Renumbered to new Sections 31-075.3(h) (1) and (2).

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- .166 Renumbered to new Section 31-075.3(i).
- .167 Renumbered to new Section 31-075.3(i).
- .168 Renumbered to new Section 31-075.3(i).
- .17 Renumbered to new Section 31-075.3(o)(2).
- .171 Renumbered to new Section 31-075.3(o)(2).
- .172 Renumbered to new Section 31-075.3(o)(2).
- .173 Renumbered to new Section 31-075.3(o)(2).
- .174 Renumbered to new Section 31-075.3(o)(2).
- .175 Renumbered to new Section 31-075.3(o)(6).
- .176 Renumbered to new Section 31-075.3(o)(7).
- .18 Renumbered to new Section 31-075.3(p)(2).
- .181 Renumbered to new Section 31-075.3(p)(2).
- .182 Renumbered to new Section 31-075.3(p)(2).
- .183 Renumbered to new Section 31-075.3(p)(3).
- .184 Renumbered to new Sections 31-075.3(p)(4) et seq.
- .185 Renumbered to new Sections 31-075.3(p)(4) et seq.
- .19 Documentation of any information provided to the foster parent(s) or group home operator(s) as specified in Section 30-338.15 regarding the child's known or suspected dangerous behavior, including the information specified in Sections 30-198.181 through .184.
- .2 Case records for children with histories of juvenile court involvement as actual or potential dependents shall contain the additional information specified in Sections 30-276.21 and .22.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366 and 10553, Welfare and Institutions Code; and 45 CFR 1356.21(d).

30-390 ADMINISTRATIVE REVIEW

30-390

- .1 The requirements specified in Sections 30-490 through 30-499 shall be met whenever administrative reviews are conducted for children receiving family reunification services.

Repeal Chapter 30-400 title and Sections 30-400, 30-410, 30-420, 30-430, 30-432, 30-434, 30-438, 30-440, 30-444, 30-446, 30-448, 30-450, 30-452, 30-455, 30-458, 30-460, 30-462, 30-466, 30-468, 30-470, 30-472, 30-474, 30-476, 30-478, and 30-490:

~~CHAPTER 30-400 SERVICE PROGRAM NO. 5: PERMANENT PLACEMENT~~

~~30-400 GENERAL~~

30-400

- ~~.1 The provisions of this chapter shall apply whenever Permanent Placement Program Services are provided to a child who cannot safely live with his/her parent(s)/guardian(s), and who is not likely to return to his/her home or when the court has determined that Family Reunification Services should not be provided.~~
- ~~.2 The following special provisions shall also apply:~~
 - ~~.21 Out-of-state placements shall be subject to the applicable provisions of Section 30-366.~~
 - ~~.22 Placements of Indian children shall be subject to the applicable provisions of Section 30-368.~~

~~Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.~~

~~Reference: Section 10553, Welfare and Institutions Code.~~

~~30-410 ELIGIBILITY~~

30-410

- ~~.1 Permanent placement services shall be available as specified in Welfare and Institutions Code Section 16508.~~

~~HANDBOOK BEGINS HERE~~

- ~~.11 These statutes specify the following:~~
 - ~~.111 Permanent placement services shall be available without regard to income to the following children:~~
 - ~~(a) Children judged dependent under Welfare and Institutions Code Section 300, where a review has determined that reunification, adoption, or guardianship is inappropriate.~~

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- (b) Recipients of public assistance under any of the Aid to Families with Dependent Children programs who are wards of a legal guardian where a review has determined that reunification or adoption is inappropriate.

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30-420 SERVICE-FUNDED ACTIVITIES

30-420

- .1 The service-funded activities which shall be available to all children receiving permanent placement program services shall include the following:
 - .11 Emergency shelter care.
- .2 Additional services shall be provided only with prior department approval.

30-430 REQUIREMENTS FOR PLACEMENT

30-430

- .1 The requirements specified in Sections 30-432 through 30-438 shall be met when a child is placed in foster care and receiving permanent placement services.
- .2 The requirements specified in Section 30-330.2 shall be met at the time of initial placement.

30-432 ASSESSMENT

30-432

- .1 An assessment shall be completed for each child prior to development of the service plan.
- .2 The assessment shall include the applicable information specified in Sections 30-476.122 through .123.
 - .21 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .2 above.
 - .22 The county shall be permitted to use an assessment which is an update of a previous assessment completed for this or another child welfare services program, provided that all of the requirements specified in Sections 30-476.121 through .123 are met.

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.1 A service plan shall be developed based upon the assessment, and services shall be developed and initiated pursuant to the plan, within 67 calendar days after the date on which the child's case is transferred to the Permanent Placement Program.

.11 The transfer-in date shall be the date of the hearing at which permanent placement services are ordered.

.12 Notwithstanding the provisions specified in Section 30-434.1, the eligibility of AFDC-FC children shall be governed by the provisions of Welfare and Institutions Code Section 11404(b)(3).

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.121 This statute specifies as follows:

- (a) The agency with responsibility for the child's placement and care must...develop a case plan for the child within 30 days of placement.

HANDBOOK ENDS HERE

.2 The service plan shall include the information specified in Sections 30-476.131(a) through (c).

.21 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .2 above.

.3 The requirements specified in Sections 30-334.3 through .33, when applicable shall be met.

.4 All initial service plans shall have signed and dated, written approval of the permanent placement social worker's supervisor within the 67-calendar day time frame specified for the completion of the plan. The supervisor's approval shall document the following:

.41 The appropriateness of having an open case, including eligibility and need for services.

.42 A determination of the actions that would be necessary to close the case including the identification and closure of a case that is inappropriate pursuant to Section 30-132.121.

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- .43 A review of the current risk based on the child's age and severity of the original allegation. This review shall include the status of the original allegation and an identification of any new allegations which would necessitate a change in the case plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11404, 16501.3, 16508, and 16508.1, Welfare and Institutions Code; and 45 CFR 1356.21(d).

30-438 PLACEMENT ACTIVITIES

30-438

- .1 Prior to any permanent placement, the social worker shall:
- .11 Perform the duties specified in Sections 30-338.11 through .16.
- .12 Notify the foster parent(s) of the consent provisions specified in Section 30-362.
- .13 Meet the requirements specified in Section 30-348.
- .14 Meet the applicable requirements specified in Sections 30-366 and
- .2 Prior to permanent placement of a child in a family home which has been certified pending licensure, the social worker shall complete the requirements specified in Sections 30-338.21 through .25.

30-440 REQUIREMENTS DURING PLACEMENT

30-440

- .1 The requirements specified in Sections 30-442 through 30-448 shall be met while the child is in permanent placement.

30-444 REASSESSMENT

30-444

- .1 The reassessment requirements specified in Sections 30-344.1; and .3 through .33 when applicable, shall be met.
- .11 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirements specified in Sections 30-344.3 through .33.
- .2 Each reassessment shall include the information specified in Sections 30-476.141 through .141(b).

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- .21 The county shall be permitted to use the court report prepared by the social worker to fully or partially comply with the requirement specified in .2 above.

30-446 MODIFICATIONS TO SERVICE PLAN

30-446

- .1 If it is determined, as a result of the reassessment specified in Section 30-444, that the current service plan no longer meets the child's needs, the following requirements shall be met:

- .11 The plan shall be modified, but shall continue to include the information specified in Sections 30-476.131 through .131(c).

30-448 NOTIFICATION OF INTENT TO MOVE CHILD

30-448

- .1 The notification requirements specified in Sections 30-348.1 through .25 shall be met.

30-450 REQUIREMENTS AFTER PLACEMENT

30-450

- .1 Applicable requirements specified in Sections 30-454 through 30-458 shall be met when a child is permanently placed, when services to the child are terminated, or when the child's case is transferred to another child welfare services program.

- .11 The reasons for the recommendation to transfer the child's case or to terminate services shall be documented in the case record.

- .12 The recommendation for case transfer or termination shall have dated, written approval of the permanent placement social worker's supervisor.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 16501.3, Welfare and Institutions Code.

30-452 POSTPLACEMENT SERVICES (Reserved)

30-452

30-455 CASE TRANSFER TO THE FAMILY REUNIFICATION PROGRAM

30-455

- .1 The child's case shall be transferred to the Family Reunification Program only when the court orders that family reunification services are to be provided to both the parent and the child.

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.11 The transfer-out date under such circumstances shall be the date of the hearing at which family reunification services are ordered.

.2 Before the case is transferred, the social worker shall provide the foster parent(s) with written notice explaining the court order, that permanent placement services are to be terminated, and that the case is being transferred.

.21 The county shall be permitted to use a copy of the court report or modified service plan for the purpose of notifying the foster parent(s), if appropriate.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 16501.2 and 16501.3, Welfare and Institutions Code.

30-458 POSTPLACEMENT ACTIVITIES (Reserved) 30-458

30-460 SPECIAL PROVISIONS 30-460

.1 The provisions of Sections 30-462 through 30-468 shall be met when applicable to any child receiving permanent placement services.

30-462 CONSENT OF FOSTER PARENT(S) 30-462

.1 A foster parent providing long-term foster care to a child pursuant to a court order shall have the consent authority specified in Section 30-362.1.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code.

30-466 ADDITIONAL REQUIREMENTS FOR OUT-OF-STATE PLACEMENTS 30-466

.1 In addition to the general requirements specified in this chapter, applicable provisions of Section 30-366 shall govern the permanent out-of-state placement of children.

~~30-468 ADDITIONAL REQUIREMENTS FOR PLACEMENT OF INDIAN CHILDREN~~

30-468

- ~~.1 In addition to the general requirements specified in this chapter, applicable provisions of Section 30-368 shall govern the permanent placement of Indian children.~~

~~30-470 PROGRAM ADMINISTRATION~~

30-470

- ~~.1 The requirements specified in Sections 30-472 through 30-478 shall be met by the county welfare department in the administration of the permanent placement program.~~

~~30-472 GENERAL ADMINISTRATIVE REQUIREMENTS (Reserved)~~

30-472

~~30-474 PROGRAM SUPPORT ACTIVITIES~~

30-474

- ~~.1 The county welfare department shall perform the support activities specified in Sections 30-374.11 through .15.~~

~~30-476 CASE RECORDS~~

30-476

- ~~.1 The county shall develop and maintain a current record for each Permanent Placement Program case. Such case record shall contain at least the following information:~~

~~.11 The information specified in Sections 30-376.11 and .12.~~

~~.12 The assessment specified in Section 30-432.~~

~~.121 There shall be readily identifiable assessment in the case record.~~

~~.122 For children referred from the Family Reunification Program, the assessment shall include the following information:~~

~~(a) Data updating the initial assessment, including a brief narrative summary of the case since its inception.~~

~~(b) Renumbered to new Section 31-225.12.~~

~~(c) Specific data on services previously provided and results obtained.~~

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.123 For children not referred from the Family Reunification Program, the assessment shall include the information specified in Sections 30-376.131(a) through (h).

.13 The initial and any modified service plans.

.131 There shall be a readily identifiable service plan in the case record for each child, and the service plan shall include the following information:

- (a) The juvenile court instruction regarding development of the permanent placement plan.
- (b) The permanent placement plan.
- (c) A description of the type of out-of-home placement which would best suit the child's needs as specified in the assessment, and which would facilitate accomplishment of plan objectives.

.14 Any reassessments.

.141 There shall be a current readily identifiable reassessment in the case record for each child who has been in the Permanent Placement Program for six months, or longer and the reassessment shall include the following information:

- (a) A description of the degree of parent/guardian compliance with the written services agreement, including progress in working toward achievement of each plan goal.
- (b) An evaluation of plan adequacy and continued appropriateness.

.15 Copies of the following information:

.151 Any data or documents, relating to the child and/or his/her family, which have been received or sent by the county.

.152 Any services application and eligibility determination documents.

.153 Any information release(s) signed by the parent(s)/guardian(s) and/or child.

.154 Administrative review report recommendations.

.155 Medical and dental reports including, but not limited to, dated documentation of the following:

- (a) Provision of informational materials regarding the CHSP Program, as specified in Section 40-107.6.

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(b) Offering of medical/dental transportation and scheduling assistance.

(c) Acceptance or refusal of the CHDP services specified in Section 30-476.155(a).

.156 Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.

.157 Any written parent/guardian consents required by the regulations in this chapter.

.158 For children who have been assessed as being seriously emotionally disturbed, any available individualized education program.

.16 When appropriate the forms specified in Sections 30-376.171 through .176 or equivalent forms which have been approved by the department.

.17 The additional information specified in Sections 30-198.18 through .184, and 30-376.18 through 185.

.2 Case records for children with histories of juvenile court involvement as actual or potential dependents shall contain the additional information specified in Sections 30-276.21 and .22.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 366.3 and 10553, Welfare and Institutions Code and 45 CFR 1356.21(d).

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30-478 GRIEVANCE PROCEDURES

30-478

.1 Grievance procedures shall meet the requirements specified in Section 30-378.

30-490 ADMINISTRATIVE REVIEW

30-490

.1 The requirements specified in Sections 30-491 through 30-499 shall be met when conducting administrative reviews.